

Rakushō no Goku

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1

“– Daddy, are you going to be a killer?”

Abruptly asked from behind, Eiko(瑛庚) stopped with startle. When he turned around feeling a knife having pointed at himself, he found out his little daughter pausing there and looking at him by her childlike eyes.

The girl, who seemed to have returned from the garden, looked standing on crossing the corridor and dedicated a crystal basin by her small hands. The transparent basin was filled with clean water, and a pure-white water lily was floating. The end of summer, the strong sunshine was cut out by eaves and made a dark shadow in the corridor. A white flower that floated around her breast seemed to be lighted up faintly.

“What’s up?”

Eiko(瑛庚), awkwardly making the smile, bent himself forward to his daughter.

“I never become a killer.”

When he patted her head, Riri(李理) looked at Eiko(瑛庚) by her pure eyes. She stared up at Eiko(瑛庚) with a wistful eye for a while, and gave a strong nod. The water lily in the basin shook.

“Do you take it to your mother?”

As Eiko(瑛庚) showed the basin by his eye line, Riri(李理) rapidly floated a smile. It was a young carefree one.

“This for brother Hogetsu(蒲月). They say he returns from Bo-shu(茅州) today.”

Oh, Eiko(瑛庚) smiled.

“Take care and go.”

Eiko(瑛庚) said and his daughter nodded and started walking with an eager look. She walked away with minding the water not to be spilt, and was like a person worked at a big undertaking.

While he just gazing after his daughter, she went down the stairs in the corridor to the courtyard. She took a few steps forward in the courtyard where white cut stones were spread, and went out of the shadow that deep eaves made. At the moment she walked into the strong sunshine, she disappeared in the light.

Her outline being blurred in white, her small back was partly transparent. It went away so that it could vanish.

Trying to call her to stop, Eiko(瑛庚) managed to control himself.

After a little pause, his eyes adjusted to the light. The small courtyard, all sides were enclosed by the buildings, was filled with the sunlight. His daughter, who put on colorful clothes and showed still a serious look, was carrying the basin slowly.

Eiko(瑛庚) breathed a sigh of relief but felt a pain in his chest. For a moment he lost his daughter because of the bright sunlight dazzling and its sense of loss made a heavy hard stiffness in his mind.

Riri(李理) turned eight years old. And, that child living in Shiso(芝草) was eight, too. Child's name is Shunryo(駿良), and perhaps, the most famous child in Shiso(芝草) at this time.

— Because he was killed by a monster named Shudatsu(狩獺).

The capital of Ryu(柳) which is in the north of the world, is Shiso(芝草). Shiso(芝草) is the capital of the country and the capital of Saku-shu(朔州), has three more executive branches of Shingen-gun(深玄郡), En'i-go(袁衣郷) and O-ken(莚県). Judicial officers of En'i-go(袁衣郷) captured Shudatsu(狩獺) in this early summer.

Shudatsu(狩獺) attacked a mother and a child in a pass near Shiso(芝草). He killed them and tried to take their money and goods from their luggage, but people who heard their scream and rushed to the crime scene arrested him, and people turned him over judicial officers, Shudatsu(狩獺) was considered the criminal as four more stabbing incidents that happened near Shiso(芝草). Because the presumed crime was serious, Shudatsu(狩獺) was sent to the executive branch in Shingen-gun(深玄郡). District Court that can judge the felony that is called five punishments(五刑) is only in the executive branch higher than the prefecture(郡)'s, though the court that can judge lawsuits and ordinary crimes is placed by the executive branch higher than the county(県)'s. Then, Shudatsu(狩獺) confessed his guilt of not only four cases as the criminal but also 11 cases, when he was sent to Shukan-fu(秋官府) of Shingen-gun(深玄郡) controlling En'i-go(袁衣郷). It reached 16 cases, including the burglar that caused him to be caught. All of them contained murders, and the victims were 23 in total. One of them is Shunryo(駿良).

Shunryo(駿良) was eight, he was born as a child of the couple running a small shop in Shiso(芝草). Very ordinary, cheerful, healthy child — It was the evaluations of surrounding people to Shunryo(駿良). About one year ago, such an ordinary child was found dead in the cover of the alley near his house.

Shortly before the incident, Shunryo(駿良) went out his house, which was also his parents' store, to buy some peaches. A stall keeper around the place saw a man pulled Shunryo(駿良) into the alley. The man pulled Shunryo(駿良) close to himself by his casual manner, entered the alley, and came out alone immediately. There was no suspicious point in his behavior, but the stall keeper who had known Shunryo(駿良) since boy's very young age wondered who the

man was. A person around there came along and discovered Shunryo(駿良)'s body a little later. The pitiful child was strangled by the power of smashing his throat.

Nobody knew the man who pulled Shunryo(駿良) into the hide. In a strong decision, he murdered the boy as soon as dragging in, certainly, to pull the boy into the alley was to kill him. However, nobody knew the reason the boy, age 8, was killed. But, the money he held in his hand when he went out his house was never found anywhere. The amount, only 12 sen(錢).

They could never believe the boy had been killed for 12 sen(錢). So, why was Shunryo(駿良) killed? It seemed the purpose of killing is only to kill. Moreover, the place he was killed was very his neighborhood, it's a bustling shopping area with a lot of small stores, in the daytime, besides with more people streets. To impossible violence, people in Shiso(芝草) seethed.

— In fact, Shunryo(駿良) was killed for only 12 sen(錢).

Accidentally, Shudatsu(狩獺) looked at Shunryo(駿良) holding money in his hand and going out. Shudatsu(狩獺) tailed him, pulled him into the hide, killed him, and took his money from his hand. He bought and drank a cup of sake for this 12 sen(錢). He had at least 10 ryo(両) that he took from an old couple he killed the other day.

When this was clear by the investigation of Syukan(秋官) in Shingen-gun(深玄郡), the people in Shiso(芝草) were shocked. Everybody was angry for too meaningless death of Shunryo(駿良). — For this, Eiko(瑛庚) had same thinking.

Eiko(瑛庚) wasn't able to comprehend it. In Ryu(柳国), the incomes of the average people per month were about 5 ryo(両). Shudatsu(狩獺) had no reason he should take only 12 sen(錢), as he had money twice as much as the people's monthly incomes. And, he was adult's man. His physique and physical strength were totally opposite of the child, age 8. After pulling the child into the hide, it was enough for him to take money by threatening. If not, he'd better just take it

by force. But, Shudatsu(狩獺) casually killed Shunryo(駿良).

However, this casual crime was only an ordinary state for Shudatsu(狩獺). Shunryo(駿良)'s death is only one of twenty-three.

— 16 cases, 23 victims.

Eiko(瑛庚) was at his desk in his study and looked through a towering pile of documents. All of the crime of Shudatsu(狩獺) was recorded there in detail.

One of the cases came up in a small village next to Shiso(芝草). A married couple, their old mother, and their two children were killed. It was the end of last year. Residents in a village move to a town in the coldest season. Because a village basically exists to cultivate a field, but this family didn't have a house in the town to live during winter. When their child did serious illness, they sold out it which had been given from the country. It was only family that remained in the village. Shudatsu(狩獺) broke into the house, killed whole family, and was living comfortably there. In the middle of winter, a neighbor who thought it might be inconvenient visited and knocked on the door, and met a strange man. The man said the family went on a trip to a nearby town, and he introduced himself very engagingly that he was a relative who was taking care of their house. — But, the neighbor had never heard about such a relative the family was very close to. The man said that the family has not returned yet, when the neighbor visited in several days again after returning with suspicious and anxious to the town. The neighbor who had doubts reported to the town office. The man had left when officials of the town visited the house. Bodies of the family were piled up messily and frozen in one of the bedrooms of the house. However, husband's corpse was not there. Officials searched for the neighborhood, found his remains in the stream at the back of the house, and raged. The footprints which went and returned many times remained on husband's body that crossed the stream. The man who had killed whole family used the frozen body as a literal bridge to go to the field in the other side of the stream.

He who introduced himself as their relative did not have features – skinny, medium-tall, black eyes and black hair, but there was a small tattoo that was the design made from four characters “Kin-Dai-Nichi-In(均大日尹)” on his right temple. Geimen(鯨面) — That is a tattoo as the penalty.

Criminals who commit the felony like homicide etc., their hair is shaved, and they are tattooed on their head. This tattoo disappears gradually in around 10 years, but if he/she commits a serious crime before it disappears, the second is put in his/her head, again. If he/she commits a serious crime further, the third is put in his/her right temple this time. A tattoo’s design is always made from four characters, and tells who he/she is and where he/she was judged. “Kin(均)” shows the judgment of Kin-shu(均州), “Dai(大)” shows the date, and “Nichi(日)” does where the penal servitude was served. “In(尹)” is a character that specifies this man. So, it made his background turn out at once. His alias is Shudatsu(狩獺), and his proper is Kashu(何趣). He was born in Do-shu(道州) in the north of Ryu(柳国), and judged in three shu(州), Do-shu(道州), Shuku-shu(宿州), and Kin-shu(均州). All homicide. The first, the victim he had hit and taken money from died as a result. The second case in Shuku-shu, he made the victim die while trying to get money and goods by force. But the case of Kin-shu(均州), he obviously decided to kill from the beginning. His motive was money after all.

Eiko(瑛庚) uttered a sigh many times while reading the records spread on his desk.

The penal servitude is punishment, at the same time as it makes criminals conscious of the crime and educates them, but, it is clear that the penal servitude had no meaning for Shudatsu(狩獺). He received the decision in Kin-shu(均州), finished six-year penal servitude, was released, and reached the next violence within only half a year. Since then, he piled up 16 crimes in almost two years.

Shudatsu(狩獺) was judged by Syukan(秋官) in Shingen-gun(深玄郡) due to these crimes. However, even if major criminals like Shudatsu(狩獺), at least

another trial is held by a higher-rank executive branch. Shudatsu(狩獺) was sent to High Court according to the law. In High Court Shudatsu(狩獺) received the decision again, but they hesitated about some points, so he was sent to Supreme court. Shudatsu(狩獺) gets the decision by the country three times. The judiciary judges, Shikei(司刑), Tenkei(典刑), and Shishi(司刺) work for it. They are discussing and trying, and Shikei(司刑) decides finally.

— That means Eiko(瑛庚) should judge.

2

The sun of late summer gradually goes down. A short time after sunset, his wife Seika(清花) brought the lamplight when he was reading a document in melancholic feelings.

“You have a break, don’t you?”

She asked him while lighting the candlestick from her lamplight in his study. When Eiko(瑛庚) gave a halfhearted answer ‘yes’,

“..... After all, doesn’t the man have a death penalty?”

She asked him about it in a low voice. Eiko(瑛庚) raised his head in surprise, put the document, and looked at his wife’s young face. In the madder red light, Seika(清花)’s light-skinned face was flushed. But, her face was wooden.

“Riri(李理) said her father would not kill Shudatsu(狩獺). Is it your decision?”

The blamed color ran in Seika(清花)’s tone. Eiko(瑛庚) forced his lips into a smile.

“What are you talking about? Riri(李理) asked me I was going to be a killer. So, I said no.”

“Don’t pretend you don’t know what I mean.”

She said coldly, and Eiko(瑛庚) kept silent. Eiko(瑛庚) completely understood what it meant when Riri asked him about it. These days, all of the people in Shiso(芝草) paid attention to the judicial branch. Not only the people but also

any other branches, even menservants and maidservants who worked for these offices paid attention to the judicial branch. — Shudatsu(狩獺) is executed or not?

First, Shudatsu(狩獺) was judged by the court in Shingen-gun(深玄郡). The conclusion was Taiheki(大辟). — That is the death penalty. Shudatsu(狩獺) was sent to High Court in Saku-shu(朔州), he had the decision Taiheki(大辟) again. But, there was heated debate at the trial, and calls for the judgment of the country dominated them though they gave Shudatsu(狩獺) the decision. Therefore, Shudatsu(狩獺)'s future on Supreme court. — That means they leave him in hands of Eiko(瑛庚) and his men.

Then, if Eiko(瑛庚) puts out the decision with the capital punishment again, the punishment is determined. And Shudatsu(狩獺) will be killed. Riri(李理) might have heard this from someone working at the official residence. He can imagine why she asked “are you going to be a killer?”. Riri(李理) might not understand the difference between the murder and the death penalty yet.

“I did not talk about Shudatsu(狩獺), indeed. But if I sentence him to death, I can say it's my killing. Riri(李理) will surely feel painful.”

She is a pure-hearted and bright child. She would trouble herself about it though she is very young. — When he thought so, Seika(清花) put on strong voice.

“If you think about Riri(李理) seriously, you must execute that monster.”

Eiko(瑛庚) looked at his wife's face in surprise. Seika(清花) wasn't an official. Her title was a lower official, but this was in name only, because she was given it for taking care of Eiko(瑛庚). It is an expedient to put one's family who is not an official into Senseki(仙籍), so, Seika(清花) didn't have any relations to politics. In the past, she has never intervened in Eiko(瑛庚)'s work.

“What’s up? Why asking me suddenly?”

“The monster killed children. Even a baby in victims. If you love Riri(李理) so much, please think about rage and sorrow of the parents whose lovely child was killed.”

“It’s of course I am

Seika(清花) interrupted Eiko(瑛庚)’s speaking.

“No. I know. You cannot make a decision.”

It’s true, so, Eiko(瑛庚) could do nothing but keep silent. Certainly, Eiko(瑛庚) wasn’t able to do. You may say that he’s hesitant.

“Why do you need hesitation? Is mercy really necessary for the monster that cruelly killed innocent people?”

Seika(清花) said so, and Eiko(瑛庚) smiled wryly uncontrollably.

“This is not a problem of mercy.”

“If you say it’s not a problem of mercy, why don’t you determine the death penalty to him? If the monster didn’t kill Shunryo(駿良) but Riri(李理), what do you do? –”

“It is not such a matter either.”

Eiko(瑛庚) said as if admonishing his young wife. Seika(清花) was Eiko(瑛庚)’s second wife. His wife looked 20 years younger than he in appearance, but,

actually she was nearly 80 years younger.

“Well, what kind of problem do you think it is?”

Seika(清花)’s face hardened. These days, he frequently saw this kind of her face.

“..... The law isn’t applied in emotion though you might not understand easily.”

“Then, do you say that monster is in the right?”

“That is not it. — The act of Shudatsu(狩瀨) is unpardonable, and there would be no room for showing mercy. I understand your anger and people’s anger very well. I also detest Shudatsu(狩瀨) just as you. The capital punishment is not such an easy thing that you kill him because of not being able to forgive him.”

Though he had said as calm and soft as possible, Seika(清花)’s face just was harder and harder. She shot a fierce look to Eiko(瑛庚).

“You do always treat me like foolish and unreasonable person.”

Her voice was icy and low.

“Not at —”

‘all’, he tried to keep speaking but Seika(清花) cut in.

“Lately in Shiso(芝草), do you know the cases that child disappears continue?”

“I’ve heard rumors. But, it is not Shudatsu(狩瀨)’s attack.”

I know, Seika(清花)'s voice was sharpened.

“Do you think me such a terrible fool? Shudatsu(狩獺) is already in the prison, so he has absolutely no responsibility for them. What I’m saying, recently in Shiso(芝草), such unpleasant crimes happen and happen.”

“Oh –”

“Do you know men and women servants was massacred in the mansion of a lower official of Shunkan-fu(春官府)? One of the menservants was scolded from the master and had a grudge and huge anger, and turned it on not his master but his colleagues. We always hear such stories in recent Ryu(柳). What on earth might the big problem be in this country?”

For her saying, Eiko(瑛庚) could do nothing but keep silent. Recently, rash of crimes could not be understood — moreover, it was a fact that brutal crimes happened frequently.

“The world seems being filled with the people emotionally hamstrung. Forgiving a person like Shudatsu(狩獺) is the same as advancing crimes to people. Won’t we need to execute the severe punishment? Shouldn’t we make people know that the person itself is killed if someone commits a murder?”

Eiko(瑛庚) breathed out in melancholic feelings.

“However, people like Shudatsu(狩獺) don’t stop short of crimes, even if we did so.”

Seika(清花) saw Eiko(瑛庚) surprisingly.

“In fact, the capital punishment has no effect of preventing the crime. To our

regret, even if the penalty is made severe, it doesn't stop the crime."

When being admonished, Seika(清花) made a grimace.

"Then, you forgive the criminal even if Riri(李理) is killed."

"I don't say such a thing. That's a different story. I do not forgive the criminal if he makes something to Riri(李理). However, to operate the law as a judicial officer and to protect Riri(李理) are different matter."

He raised his voice involuntarily. Seika(清花) tried to say something, and saw with a contemptuous glance at Eiko(瑛庚).

"It means even if Riri(李理) was killed, you would not execute the criminal. Because that's a different story."

'You're wrong', though he tried to say so, Seika(清花) turned around and scuttled out of his study. Night completely fell before one's aware and insects' voices were on a cold night wind.

Eiko(瑛庚) muttered toward the back of his wife who disappeared.

" It's not what I'm saying."

There is no room where compassion finds a place in the law. Never. Therefore, if Riri(李理) is killed, Eiko(瑛庚) is removed from the trial naturally. He wanted to say it is law. But, Seika(清花) wouldn't get it even if he said it. Perhaps, he would have a talk about not wishing the judge, who takes charge of the decision, to execute the criminal. If they do so, Eiko(瑛庚) cannot help answering that it is not possible to actually say even if he wishes it by his mind.

Eiko(瑛庚) sighed heavily, and he stopped standing up and sat down on a chair

again. He rested his elbows on a desk, and pressed his forehead lightly.

He didn't have will to treat her as a terrible fool. At least, Eiko(瑛庚) thought his wife not to be foolish. However, law isn't enforced in compassion as a practical matter. Law is the last thing not enforced by such a dimension. But how can he explain? — In his own thinking, Eiko(瑛庚) was at a loss.

Seika(清花) is never foolish, and he guesses she is wise and intelligent on an actual life. However, she always thinks about things by emotions, and can't do by reason only. Seika(清花) herself insists that she also understands reason, but in many cases, her 'reason' is her belief that her emotions is reason. When he says it's not exactly reason, Seika(清花) always refutes that there is no reason not depending on emotions.

According to Seika(清花), Eiko(瑛庚) lacks affection and mistakes the utilitarian reason, which government officials use, for reason. It is Eiko(瑛庚) who do not understand, but, he is a high official and always treats her as a fool because she has no rank.

Lately, Seika(清花) was usually angry to say so. After getting angry, she always said that she would want to be divorced. Canceling the marriage, she said she wanted to return Senseki(仙籍) and get back to one of ordinary people.

To make Seika(清花) understood, Eiko(瑛庚) had no idea what to talk. In his business, Eiko(瑛庚) is not good at throwing away reason and talking about things only by feelings. Probably because of it, the more he tried to calm her, the more she used to get angry. Therefore, Seika(清花) must be gone someday. — like his first wife. The last word of Keishi(恵施) was "I am not a fool that you think of.

Both of first and second wives say the same words because they might be more correct.

He, who is lost in melancholic thought, can see the document written down the passage of miserable crimes.

The victim is Shunryo(駿良) who was eight. His daughter Riri(李理) is eight now, too. The thought makes him hurt. Since parting from Riri(李理) at the corridor, he leaves hurt feelings behind. It never goes away from inside him even by a lot of sighs.

Around midnight, a person visited his study.

“Haven’t you taken a sleep yet, sir?”

His study was called on by the person who is Hogetsu(蒲月). As Eiko(瑛庚) had got tense in expectation of Seika(清花), he relaxed his shoulders in a little relief when he recognized Hogetsu(蒲月). And he remembered Riri(李理) said that Hogetsu(蒲月) would return this day.

“Have you returned this time? Though Riri(李理) was very looking forward to your coming back.”

‘Yes’, Hogetsu(蒲月) smiled. By his both hands, he held up the tray a tea-things was set on.

“I came back earlier. I was playing with Riri(李理) some length. I did not call to you, Shikei(司刑). Because you looked very busy, sir.”

‘Oh’, Eiko(瑛庚) smiled, too. Actually, Hogetsu(蒲月) is not a son of Eiko(瑛庚) though Riri(李理) calls him “Elder brother”. He is a grandson.

When Eiko(瑛庚) approaching 50, he was selected from among local officials to a national official and become a sen’nin(仙人). He and his first wife had two sons and a daughter, and the elder son and the daughter grew up in those days and lived on their own. When Eiko(瑛庚) becoming the sen’nin(仙人), it’s possible that they also became sen’nin(仙人), but they chose to stay at the lower world because they had already married and they were getting older than he, died before Eiko(瑛庚) knew it. Eiko(瑛庚)’s second son who had not reached adulthood at that time stayed with him, and went to Shogaku(少学) of Saku-

shu(朔州), and became a Sen'nin(仙人) as an official later. At this time, the second son worked as a state official for Bo-shu(茅州) in the west of this Ryu(柳国). Hogetsu(蒲月) is a son of him. He came to Shiso(芝草) and relied on Eiko(瑛庚) who is his grandfather, later he entered Shogaku(少学) of Saku-shu(朔州) as well as his father. Hogetsu(蒲月) is more brilliant than his father — and also his grandfather Eiko(瑛庚), went straight to Daigaku(大学), and graduated last year, and he became a country official. He finally accustomed himself to work, had the emotional capacity to take the days off, and went to pay his respects to his father of Bo-shu(茅州).

“Wouldn't you take a little rest, sir?”

Eiko(瑛庚) nodded Hogetsu(蒲月)'s words. They moved to the table near the window. Hogetsu(蒲月) set the tea things on it.

“Thanks so much for caring.”

Hogetsu(蒲月) shook his head for Eiko(瑛庚)'s words.

“Shikei(司刑), because you have serious time now, sir.”

Hogetsu(蒲月) was recruited as a country official, and his attitude to Eiko(瑛庚) changed. Hogetsu(蒲月) is Kyukei-ho(宮卿補) of Tenkan(天官), and it is an assistant to Kyukei(宮卿) who manages system and rules of the palace. He is Chu-shi(中士) which is one of the lowest classes of country officials, and Eiko(瑛庚) is Shikei(司刑) of Shukan(秋官). It's Ka-taifu(下大夫) which belongs to high-level officials.

While pouring hot water into their tea-cups, Hogetsu(蒲月) said.

“My sister was offended.”

Hogetsu(蒲月) considers Seika(清花) as his sister. She is his grandfather's wife actually, but she looks his elder sister.

“She said you, Shikei(司刑), would be going to excuse Shudatsu(狩獺).”

“I didn't mean it..... What I wanted to say is difficult to explain.”

Hogetsu(蒲月) saw Eiko(瑛庚) as if asking. Eiko(瑛庚) smiled wryly.

“I said we shouldn't judge Shudatsu(狩獺) only by emotion. To begin with, Shudatsu(狩獺)'s trial has not started yet. Certainly, it is my work that finally provides the punishment, but, we need to discuss it enough with Tenkei(典刑) and Shishi(司刺) before judging. It is not at the stage for a conclusion yet, and it's hardly possible for me to leak it even if in my mind.

“..... You're right, sir.”

Hogetsu(蒲月) looked at him inquiringly though nodding. Eiko(瑛庚) shook his head, and terminated the talk. Eiko(瑛庚) asked questions about Bo-shu(茅州) and his father of Hogetsu(蒲月) just back from traveling, but he didn't care the conversation indeed. He had very much on his mind.

It would be in the right that Seika(清花) told him to execute Shudatsu(狩獺). It's not only Seika(清花). Most of the people said so, and Eiko(瑛庚) heard that. Even Eiko(瑛庚) didn't personally have the objection. However, he felt some hesitation for the capital punishment as a judicial officer. Officials of High Court sent the appeal to Supreme Court because they had hesitated similarly.

It's not a problem of Shudatsu(狩獺). — The problem is that the capital punishment has been stopped for 100 years or more since the present Ruler of Ryu(劉王) took the throne in Ryu(柳).

Even if a criminal is very brutal, the criminal is a penal servitude for life or perpetual imprisonment. The capital punishment doesn't exist in the practical though it exists in the juridical. It has always been so.

“What is Shujo(主上)’s instruction?”

Asked by him, Eiko(瑛庚) startled back. Though Hogetsu(蒲月) was in front of him, he seemed to have been lost in thought. Hogetsu(蒲月) smiled embarrassedly.

“It is Shujo(主上) that decided to avoid the capital punishment, isn't it? How about Shujo(主上)’s intention?”

Starting to say, Eiko(瑛庚) shut his trap quickly. The tea-cup completely cooled was in his palm.

“Please forgive me if I go beyond my powers. However, no matter what I hear, I will never tell others.”

Said softly by him, Eiko(瑛庚) released a sigh. Though Hogetsu(蒲月) was Kyukei-ho(宮卿補) then, he advanced through the ranks in the future because he graduated Daigaku(大学) and was promoted as a country official. Thus, he thought that consenting to Shudatsu(狩獵)’s matter was necessary for Hogetsu(蒲月) and that it's Hogetsu(蒲月) if someone understood it.

“..... It's not sure.”

“Not sure, sir?”

Eiko(瑛庚) nodded.

“It is Shujo(主上) that decided to avoid the capital punishment. But the judgment of both District Court and High Court is the capital punishment, — We don’t follow it but have to consider it. I hear Shujo(主上) said that he would leave it to Shiho(司法) when Shiho(司法) asked Shujo(主上)’s intention.”

Hogetsu(蒲月) wore a questioning look.

“To Shiho(司法)?”

“I don’t know what it means exactly. The system of Shiho(司法) or the people of Shiho(司法) who treat Judgments. Or, it might mean leaving to Shukan(秋官). That’s too vague, and we cannot act by it because there is Shujo(主上)’s word ‘The capital punishment is not done’. We said to them we need to get Shujo(主上)’s new rescript.”

“What do they say, Dai-shiko(大司寇) and Sho-shiko(小司寇)?”

Eiko(瑛庚) shook his head.

“Dai-shiko(大司寇), by his opinion, cannot permit the capital punishment.”

“If Dai-shiko(大司寇) doesn’t give the okay, the capital punishment could not be done, could it?”

“It is not clear. Intrinsically the decision is not influenced by other people’ opinions. Besides, when the king leaves it to us, the judgment of administration of justice becomes the conclusion for this trial.”

“What is Chiin(知音) the Shiho(司法)’s opinion?”

“He has a struggle trying to find a way. Sho-shiko(小司寇), too.”

When a criminal faces to the trial, they care what crime he did. If they could clarify the crime, they can give him the penalty by the criminal law. That Tenkei(典刑) clarifies the crime and gives the penalty is called a decision.

Shudatsu(狩獺) committed crimes, mainly murders. Most of his murders were what planned beforehand. Moreover, in order to rob of money and goods he killed even persons who need not be killed. Most of his victims, overwhelming, are elderly persons, women and children who cannot resist. On the law all of them deserve the capital punishment, murder for the self-interest, meaningless murder, and murder to the weak people. Moreover, he committed more than one, so he deserves Shushi(殊死) — which is the death penalty for irremissible crime.

There was no factor about Shudatsu(狩獺), though the penalty was reduced if there was a factor to mitigate the punishment after the decision. It's very clear his punishment is Taiheki(大辟) originally.

But, in Ryu(柳) the Ruler of Ryu(劉王) himself decides “to avoid the capital punishment”. So, all the criminals who should be punished by death is penal servitude or confinement. If Shudatsu(狩獺) deserves Shushi(殊死) originally, he should have life imprisonment and it is natural judgment.

The people, however, demand the death for him. First, the people were indignant the criminal like him got nothing more than imprisonment. Second, the district court and High Court adjudicated him the death penalty. The people who have known the death penalty is available accept nothing except his death. It's possible to say “we do not use Taiheki(大辟)” because of the Ruler(王)'s word, but if so the people will voice a complaint to Shiho(司法). According to situations, the angry people might rush to the national government. The voice requests the death penalty is loud, and makes them have to feel misgivings about the riot. It is difficult also for the judicial officers to disregard this.

Eiko(瑛庚) talked this, Hogetsu(蒲月) muttered to have difficulty.

“.....It’s very difficult mutter.”

Yeah, Eiko(瑛庚) sighed. He was still nonplussed, but he felt some salvation because Hogetsu(蒲月) said “It’s difficult”.

“Recently, the security in Shiso(芝草) has been worsening as Seika(清花) insisted to. The people are scared about this situation, so they keep up vociferous calls for a death penalty, I think. If we do not impose a severe punishment soon, the situation might be getting worse and worse, they concern.”

“I agree.....”

In recent years, it is true the security in Shiso(芝草) has been worsening. — Not only Shiso(芝草) but also all over the country. Though it is a slight increase on an actual number, the people feel unsafe now because their country was almost a safe place. Little wonder that the situation is related to the Ruler(王)’s edificatism. They begin to doubt whether the current criminal law is strict enough.

But, judicial officers, like Eiko(瑛庚), know very well that the number of crimes in Ryu(柳) is not very large. Crimes have definitely been decreasing since the current Ruler(現王) ascended the throne. After death penalties were stopped by the Ruler(王)’s intention, there is no fact that crimes have been increasing. Especially, the number of criminals has decreased dramatically as the Ruler(王) ceased executing criminals and revived Geimen(鯨面) which was already abandoned in other countries.

It is said that to tattoo criminal’s face as a penalty is to disturb criminal’s regeneration. At start with, Geimen(鯨面) was abandoned in So(奏), after that,

disuse of it becomes a trend in other countries. Though some Rulers(王) revive this penalties, Geimen(鯨面) is contrary to humanity, that is the established theory, so they were also abandoned in even Ryu(柳) long ago. But, the current Ruler(現王) dared to bring it back. First two times criminals are tattooed on their head, because they can hide them by their hair grown. Criminals can conceal their stigma as a criminal and it will disappear in around 10 years. This disappearing tattoo ink was invented by Tokan(冬官). It's named Soboku(沮墨).

At first, Soboku(沮墨) looks deep black, but, it fades out for several years. Black, indigo, and blue, it fades out gradually, blue, purple, and pink, it will disappear in around ten years — sooner or later it depends on criminal's skin color. But, if the criminal reflects deeply on his/her act and doesn't make any other crimes, he/she will be not guilty person someday.

On the contrary, when he/she repeats a crime three times, he/she has one more tattoo where people can see it easily. At third, his/her right temple, at fourth, his/her left temple, after that, under right eye, and under left eye. There is rarely a criminal punished to Geimen(鯨面) of four times or more. And if he/she had a tattoo four times, this would be called Keijin(刑尽) that means penal servitude or prison until all tattoos disappearing. First tattoo by Soboku(沮墨) can disappear in around ten years, but, if next one puts on before former tattoo didn't fade out, the time for disappearing is longed. Four times Geimen(鯨面) will not disappear at least until thirty years. Although it depends on balances of others, if all the tattoos are very deep black, it means disappearing of them might take time until his/her death.

At first, they concern about criminals looked down on by people and their regeneration disturbed by it, surprisingly it helps criminals' reborn. The criminal who deeply reflects bears with for fading its color, and people consider light color tattoo an evidence of his/her conversion. Deep black tattoo being hated can't be avoided, but during this periods they have sufficient degree of protection by the country, and color being lighter and lighter, he/she being more and more positive because people around praising. Actually, criminals who had

got three tattoos had very low recidivism rate.

People say the security is worsening, however, the number of atrocious crime in Ryu(柳) is very smaller than other countries' even now. It doesn't even need to compare with other countries which execute criminals. This is the evidence that the death penalty has no effect to stop crimes, but people always trust their recent feelings. And there is no doubt their country is different from a few years ago.

“Not only the security is worsening, but the monster like Shudatsu(狩獺) is increasing — don't you agree, sir?”

Hogetsu(蒲月) said and Eiko(瑛庚) sighed.

“I agree with you it seems.”

“Shudatsu(狩獺) has already been judged three times. Without repenting, he recidivated 16 times after that. This means the current system has no effects for the criminal like Shudatsu(狩獺) being reclaimed.”

“You must be right. But,

Although the country tries very hard to reclaim criminals, there still exists one person without repenting. Someone repeats crimes daringly as if he/she turns his/her back like refusing regeneration. — Eiko(瑛庚) does know very well such a person.

“If the penal servitude does not work, we need some more severe, don't you think so, sir?”

“It's not my hesitation to punish Shudatsu(狩獺) by the death penalty. My

hesitation is the death penalty itself.”

Hogetsu(蒲月) questioningly looks at Eiko(瑛庚).

“If we execute him, it actually means to revive a death penalty.”

Hogetsu(蒲月) looks not understanding him exactly.

“Now, our country peace is disturbed as you said. Therefore, I feel unease about this revival.”

“Why, sir?”

“..... Don't you understand really?”

When Eiko(瑛庚) asks him back, Hogetsu(蒲月) catches his breath in his throat, and turns his eyes away with flinching.

Yes, Hogetsu(蒲月) also knows very well. — No one knows why, but recently Ryu(柳), their country, is going to declining. Yoma(妖魔) are rampant, the unseasonable weather, and rash of disasters. The criminal punishment is not too light. People behave violently because the country is declining. So crimes are increasing.

The problem is not only crimes increasing. Lately, Eiko(瑛庚) often feels the discrepancy in the place of national administration. Things that once would have advanced straight are skew now. Although the reasons of them are various, generally speaking, the point is rough country. At times like this, they want to correct all by their famous Ruler(王) who is very good at governing, but, the Ruler(王) seems to have lost his enthusiasm.

“..... What happened to Shujo(主上)?”

Hogetsu(蒲月) mutters.

“You are one of Tenkan(天官) and should know more detail about it. What does Tenkan(天官) say?”

“Well We have no idea. I think Shujo(主上) does not act all confused. We think Shujo(主上) does not wander from the right path, but,”

“But Shujo(主上) is not who he was.”

Hogetsu(蒲月) nods his head.

“This is not my words, but someone said Shujo(主上) became incompetent –.”

Eiko(瑛庚) tried to scold Hogetsu(蒲月) because of his shocking words, but at the same time, Eiko(瑛庚) thought it's true. That's not to say that the Ruler(王) never became merciless nor evil. Rulers(王) who oppress their people are ordinary, but the Ruler of Ryu(劉王) did not seem to try to oppress people. Nevertheless, the national administration is skew. Definitely — the Ruler(王)'s capability is diminishing.

Eiko(瑛庚) sighed deeply.

“The people like us, are not to know how Shujo(主上) has changed. It seems certain that our country begins to decline though I cannot accept. In the near future peoples' feeling are more confused and monsters like Shudatsu(狩獺) will increase. I'm concerned the capital punishment will be abused hereafter if it's revived now.”

This thought makes Eiko(瑛庚) unease really.

If the capital punishment is used at this point, this precedent will erase their hesitation to execute one of criminals the next time. The condition getting more wild and the criminals like Shudatsu(狩獺) being more rising, in each case the capital punishment will be used easily. Once the hoop comes off, the capital punishment would be also used for a lighter crime, and its impact would be getting weaker comparatively. It means to use a heavier penalty for a heavier crime if such a lighter crime is punished by death. Then, it would not take a long time until a cruel punishment spreads out like Ho(芳国). The capital punishment is abused, and the more cruel punishment, the more decline of the country.

Eiko(瑛庚) said so and Hogetsu(蒲月) nodded.

“Yes — Maybe you’re right, sir.”

“And the country declined abuses the capital punishment. To revive the capital punishment now is to give power of life or death of the people to the country. The country can use very easily the capital punishment because of this precedent existing.”

Therefore, he wishes to avoid executing the criminal.

To avoid itself is no problem. They have the words of the Ruler(王). “To avoid the capital punishment.” — Quoting the words and telling imprisonment are a simple matter. According to usual practice, it is correct. But if so, the people confidence in administration of justice definitely wavers.

Eiko(瑛庚) remembered Seika(清花)’s frosty eyes. She might give up on him and leave this time, if he avoided the capital punishment. — and so does the people. In a sense, it is about the same crisis as abusing of the capital punishment.

” What can we do?”

The next day, when Eiko(瑛庚) attended Shiho-fu(司法府), the room for sub judge already had Jokyu(如翕) who is Tenkei(典刑) and Sotsuyu(率由) who is Shishi(司刺). Two of them had anguish and sick atmosphere.

After three of them were together, their lower officers left and went to another room. Shiho(司法) who is the organizer of the trial was not here either. Only Shikei(司刑), who takes the prosecution, Tenkei(典刑) and Shishi(司刺) managed the trial. All might have an influence on their judgment is got rid of.

Nobody spoke for a while, after the last officer coming out of the room closed the door. Without hearing from them, Eiko read their minds. Jokyu(如翕) and Sotsuyu(率由) were at a complete loss.

” We’re hopeless if we fall silent.”

Eiko(瑛庚) was constrained to break the ice.

“Let’s hear your talk, Tenkei(典刑).”

Jokyu(如翕) lightly sighed. He looked in his middle 30s, the youngest of the three by appearances. Jokyu(如翕) who is Tenkei(典刑) investigates a criminal and decides his/her penalty by law.

“I have nothing to speak of. That’s all that the records of interrogation are from District Court(郡司法) and High Court(州司法). At least, Tenkei of state(州典刑) did his homework very well. So, I have nothing to add.”

Eiko(瑛庚) asked him.

“Tenkei(典刑), you met Shudatsu(狩獺), didn't you? What kind of human do you think Shudatsu(狩獺) is?

“He is a monster.”

Jokyu(如翕)'s reply was short and said in disgust. Without touching his tone, Eiko(瑛庚) asked more because of understanding he must have developed a feeling of hatred.

“Some parts are not clear in the record from Tenkei of State(州典刑). For example — He murdered the whole family in a neighboring village.”

When Shudatsu(狩獺) was asked about the motive of this, he replied that he had no other place to go. Just before this, Shudatsu(狩獺)'s murder scene was witnessed by someone. So, he thought of running away from the town where he attracted people's attention and spending winter in an uninhabited village. But the village where he dug had some people unfortunately. So he murdered the whole family he said, but Eiko(瑛庚) remained suspicious. Basically the coldest period villages have no inhabitants. If residents bothered him, he could look for another uninhabited village. Most of near villages were empty.

After Eiko(瑛庚)'s words, Jokyu(如翕) said.

“No residents, no food. Maybe no firewood. He told us it was more convenient for him when he find out the house which had residents, his original thought is hiding himself in an uninhabited village though.”

“— more convenient...”

Eiko(瑛庚) murmured,

“Now, I see. But Shudatsu(狩獺) lived with his victim bodies at the same house. Why didn’t he move to another one at least?”

“He didn’t feel it necessary to do because bodies not smelling at the coldest period.”

Sotsuyu(率由), who was without saying a word until the time, sighed and shook his head. Eiko(瑛庚) had the same feelings. However, this is the man, Shudatsu(狩獺). He had a very perverted mind but reasonable. This fact made Eiko(瑛庚) more confused.

“I can’t understand about Shunryo(駿良)’s case. Why did Shudatsu(狩獺) kill Shunryo(駿良) for taking only 12 sen(銭) from him, although Shudatsu(狩獺) had about 10 ryo(両) in his pocket?”

“He did not tell. Being evasive, he doesn’t expressly say.”

“He hides something? If so, we have to bring out it.”

“I don’t know. About murder itself, he said it was troublesome if the boy had cried out for help. But he did not talk clearly about the reason he took money, 12 sen(銭), from the boy. The only he said is somehow he did.”

Somehow, Eiko(瑛庚) murmured.

“About Shunryo(駿良)’s case, Tenkei of State(州典刑) ruled this is a First-degree murder(賊殺). How do you examine it?”

“..... I remained some doubting. He already thought about killing the boy at the beginning point, or, taking money only. If he wanted to kill the boy from the

beginning, it is a First-degree murder(賊殺). But if he wanted to take money only from the beginning and killed the boy because of fearing a cry out for help, it would be a Second-degree murder(鬪殺).”

“What did Shudatsu(狩獺) himself say?”

“He wanted to take money only what he said.”

“If he had no idea of murder and feared the boy making noise, however, he would have waited until reaching a place where there are no people.”

“I don’t think so. — Because Shudatsu(狩獺) knew that Shunryo(駿良) went to the small shop near his house to get peaches. He heard the mother and her child talked about it in front of their own shop.”

Mother called out to her child to wait and asked him about money. To which Shunryo(駿良) opened his palm and showed his money.

— 4 sen(錢) per peach, so three peaches are 12 sen(錢). Yeah I have.

“Shunryo(駿良)’s family is not rich. They cannot afford to give allowance to Shunryo(駿良), age 8. So, if Shunryo(駿良) wanted to obtain money, it was the only way to help his parents. He helped his parents everyday and had 1 sen(錢) as a reward. He got 12 sen(錢) for about 10 days. I heard he’d absolutely wanted to eat a peach.”

Jokyu(如翕) said so regrettably.

“He wanted two peaches and a peach for his little sister, that was Shunryo(駿良)’s wish. So, he helped his parents and saved money patiently.”

Eiko(瑛庚) nodded, but he had hurt feelings again. The boy had 12 sen(錢) which he saved at long last, his mother asked him and perhaps he showed them proudly. Eiko(瑛庚) was still able to see his proud and beaming smile, and mother's smile which was faced her child protectively. It was a heartwarming scene. But it decided his fate.

“Shudatsu(狩獺) heard what mother and son said. If he didn't act immediately, Shunryo(駿良) would have arrived at the shop without going through deserted areas. That's why Shudatsu(狩獺) followed Shunryo(駿良) and he drew the child into the first alley.”

“But their surrounding circumstances were quite obvious. He must have known someone saw them. If he feared the boy making noise, he had to kill the boy. He knew about that at the beginning, didn't he?”

Jokyu(如翕) nodded.

“I agree with you. That's why Tenkei of State(州典刑) concluded the murder as a First-degree(賊殺). But I remained suspicious. I really doubt that Shudatsu(狩獺) followed Shunryo(駿良) because he had clear murderous intent from the very beginning. I consider Shudatsu(狩獺) is almost psychopath. Want, think to take, and act. As a result, he finds himself killing someone for taking what he wants. — It's something I felt.”

Um, Eiko(瑛庚) moaned. What Jokyu(如翕) said was too delicate. But his feelings, which hesitated to judge the murder as a First-degree, were understandable. They finally had to conclude it's a First-degree murder(賊殺) or not, and they could not base themselves on their impressions when they make a sentence, but it made no sense to bother at the first day of the trial. — Eiko(瑛庚) thought so and saw Sotsuyu(率由). Sotsuyu(率由) looked about 60 years old, an experienced old man, but actually he was the youngest of the three.

“What do you think, Shishi(司刺)?”

Shishi(司刺)'s work is to find grounds for clemency and to declare it for the commutation, according to the three law : Sansha(三赦), San'yu(三宥), Sanshi(三刺). Sansha(三赦) means three kinds of persons who should be absolved: They are these three, under 7 years old, over 80 years old, and imbecility.

“Well — he is not Sansha(三赦). There is no question about it, isn't it?”

Sotsuyu(率由) said and both Eiko(瑛庚) and Jokyu(如翁) nodded.

“In the same way, I have no choice but to judge his not being San'yu(三宥) in all cases of his.”

San'yu(三宥) means Fushiki(不識), Kashitsu(過失), and Ibo(遺忘). Fushiki(不識) who doesn't know to be a crime or who doesn't understand to become a crime as a result. For example, this is Fushiki(不識) who killed someone because he/she dropped a luggage on someone from above, but if he/she didn't have known someone being there. Kashitsu(過失) is a fault. For example, this is Kashitsu(過失) who accidentally dropped a luggage or had poor control over it though he/she tried throwing it avoiding someone. Ibo(遺忘) is forgetting. This is Ibo(遺忘) who forgot someone was there though he/she knew a luggage hit someone if dropped. —But, it is clear these are not to go for Shudatsu(狩獵).

Eiko(瑛庚) sighed.

“Our point is Sanshi(三刺)?”

Sotsuyu(率由) nodded.

Sanshi(三刺) is to consult vassals, to hear officials' opinion, and to ask people's voice. If some of them clame giving absolution, to commute the penalty is

sometimes appealed because of it. Sotsuyu(率由), according to his own duty, sought advice to Rikkan(六官) widely, heard officials' opinion, and listened to people's voice.

“There is no voice that to commute the penalty is necessary. Nothing at all. Almost all the people claim his execution. Most of officials have the same opinion, but a few of them show doubt for a capital punishment. Rikkan(六官) say keeping to be careful. Most Rikkan(六官) quote Shujo(主上)'s intention and rest of them are deeply concerned about abuse of capital punishment that would happen in the future if they flightily execute him at this point.”

“I knew. I appreciate Rikkan(六官) have the cautious opinion, but,”

“I cannot say Sanshi(三刺) is not to go for him because some have the cautious opinion. But people's rage is huge. Most of them accept nothing except the capital punishment. If Shikei(司刑) spares Shudatsu(狩獺)'s life, they demand to hand him to themselves.”

I see, Eiko(瑛庚) murmured. If he avoids the capital punishment, a fear of riots might be necessary. Riots themselves can be repressed. But people's rage for judiciary or people's rage for their country cannot be broken down. If they do it by force, people's trust in judiciary collapses, and their trust in the country collapses, too.

“How about demands of victims' family?”

Eiko(瑛庚) asked. Sometimes, victims and concerned people set up to commute the penalty. This had a full effect on Sanshi(三刺) though it happened when they identified the criminal's penitent by his apologizing to the victim or by his expiating the crime.

“No offer to commute the penalty. To begin with, Shudatsu(狩獺) seems not to

have contacted victims' family at all. On the other hand, petitions of victims' relatives say to execute him. Some of them make a daily visit to the national office."

I suppose..... Eiko(瑛庚) thought.

"I can imagine the indignation of victims' family. They could not be satisfied even if they killed the criminal."

"That's right, sir. Actually, some oppose a mere decapitation and propose a cruel punishment to us like Ho(芳). 16 murders and 23 victims. Therefore, punish him by Slow slicing(凌遲) and cut him 23 times, what they request."

Slow slicing(凌遲) is the penalty which kills the criminal by inches. The criminal is killed by inches and he is pilloried after he died and was beheaded. Or his life is taken by cutting body or beheading at the verge of death. Its pattern is various and differs among countries and eras. There is an example decides how many times the criminal is sliced beforehand. Eiko(瑛庚) knew that some proposed to slice him by the number of victims to follow the example. Recently in Shiso(芝草), people made a thorough survey of cruel punishments in other countries and they argued what punishment is to go for Shudatsu(狩獵).

Jokyu(如翕) grunted indignantly.

"They claim to execute him by Slow slicing(凌遲), but do they exactly understand it is a very cruel punishment? Cut by a knife, and duration of criminal's life is deliberately increased. He suffers unnecessarily and his suffering continues long. His vital point is intentionally avoided so that his suffering can continue long. Some rulers of other countries once put a criminal into senseki(仙籍) for making his suffering longer. Now, some of the people claim to do that."

"But Slow slicing(凌遲) is what Shudatsu(狩獵) did exactly."

Jokyu(如翕) kept quiet by Sotsuyu(率由)'s words. — Yes, Shudatsu(狩獺) killed a couple by inches. He killed the husband by inches in front of his wife's eyes for the purpose of getting their savings out of her. He chopped the husband's each finger off, and cut his each ear and his nose off. After the husband died in unbearable pain, with his body sliced, and his stomach cut, his wife was killed by inches, too. From the beginning they insisted that they had no savings. It's true. They already sold their property because they let their son who wanted to enter Shogaku(少学) move into a dorm of a private cram school. They got some money, but spent all for son's school expenses. They suffered uselessly, and died uselessly.

“He murdered innocent people by Slow slicing(凌遲), why can we say Slow slicing(凌遲) is too cruel for him? Shudatsu(狩獺) himself cannot complain that it is cruel, and we also cannot say lightly it's too cruel for him. Someone must revile at us that it's cruel to execute Shudatsu(狩獺) by Slow slicing(凌遲), but it's not cruel to kill an innocent couple by Slow slicing(凌遲).”

Both Eiko(瑛庚) and Jokyu(如翕) said nothing but to fall silent.

“I have no words to persuade people.”

But, Jokyu(如翕) murmured.

“I guess Shudatsu(狩獺) wants the death penalty.....”

Eiko(瑛庚) looked at Jokyu(如翕) in a suspicious way. Jokyu(如翕)'s sorrowful eyes compared Eiko(瑛庚) with Sotsuyu(率由).

“He told me he'd be executed at once before he'd do life in prison. If he wants so, the death penalty is not a penalty to him. Life in prison is worse to him, isn't it?”

Sotsuyu(率由) was slightly upset and said,

“He only said so. Why do you trust his words? Even if it’s Shudatsu(狩獺)’s real intention, he might beg his life when he’s sent to a place of execution.

“Well.....You might be right or not.”

“If Shudatsu(狩獺) doesn’t beg his life at last, I think it must be his bluff. I cannot believe Shudatsu(狩獺) has no fear about executed. There is someone who has no fear about his own pain and death? The radical nature of human still exists inside him even if he becomes desperate very much. That is why he becomes desperate. Isn’t it?”

Jokyu(如翕) was sunk in thought for a while and shook his head.

“It might be his bluff or not. But Shudatsu(狩獺) seems not to be desperate. I can’t explain it, but he’d like to look being a winner by executed.”

Eiko(瑛庚) couldn’t understand him and Sotsuyu(率由) also didn’t. Jokyu(如翕) sought a word, among these three, he’s the only person who met Shudatsu(狩獺). When three held their tongues one another, they heard rushed footsteps and a loud altercation coming towards them.

“Dai-shiko(大司寇) — Please wait.”

They heard someone’s voice outside of the door and it probably was Chiin(知音)’s, Shiho(司法).

“They have the trial, now. Even if Dai-shiko(大司寇)—”

The door was opened before Chiin(知音) had finished his words. Dai-shiko(大司寇) was standing there having an angry look.

“You have a decision?”

Eiko(瑛庚) wondered what happened, knelt down and made a polite bow.

“The trial is just beginning.”

Good, Enga(淵雅), Dai-shiko(大司寇), said so and looked at Eiko(瑛庚) and others.

“I’ll tell you beforehand. The capital punishment is not tolerated. — You all need to understand about it.”

Eiko(瑛庚) and others exchanged looks. Of course, it’s ordinary that Shiho(司法) and other upper-class officials advise them about a trial. Before beginning a trial, Shishi(司刺) consults Rikkan-cho(六官長) and others as Sanshi(三刺). But, Tenkei(典刑), Shishi(司刺) and Shikei(司刑), only these three perform a trial in their wisdom.

“Dai-shiko(大司寇), you do overstep your bounds.”

Chiin(知音) got very angry evidently. It is not admitted that someone gives influence over the conclusion of Court justice. Even Dai-shiko(大司寇) is no exception. When the adjudication is reached, Dai-shiko(大司寇) or Chosai(冢宰) can object to it by their authority and send the case back to them after seeking other officials’ opinions. But, they can do it only once and never instruct them to the type of decision beforehand. — If an exception exists, it would be Shujo(主上)’s instruction.

Suddenly hitting so, Eiko(瑛庚) stared at Chiin(知音).

“It might be Shujo(主上)’s instruction?”

If so, I could understand — He thought so, but Chiin(知音) shock his head.

“No, Shujo(主上) said that he would leave it to me again. He told I could leave it to the conclusion of you three.”

“There is something wrong with Shujo(主上).”

Enga(淵雅) pushed Chiin(知音) back.

“At this moment, why do you all have such an irresolute attitude? Could it be a reason for destroying the developed roads even if you are possibly nervous about the voice of people?”

Enga(淵雅) said and looked at Eiko(瑛庚) and others.

“– The ideal of the punishment is not to give the punishment. The purpose of the punishment is not to give a person a penalty but to make the person not to need it. There is also a saying ‘Keiso(刑措)’. It means not to use the punishment to people, that is we need not use the punishment because the control of the country is taken over very well and the number of people who commit the crimes decreases. There is no doubt this is the ideal of the country. Our country has advanced toward it until now and we have no reason to abandon the ideal.”

“Are you right? I don’t think so.”

It was Sotsuyu(率由) to raise his voice.

“If so, why did A monster like Shudatsu(狩獺) appear? Isn't it the time that we have to consider about our law system again?”

“You shouldn't use the word 'monster' because you are one of judiciary.”

Enga(淵雅) snapped back.

“Shudatsu(狩獺) is a criminal, but he is one of our people. The word, monster, regards a criminal who cannot be understood easily as inferior to other things as human. If you decide he is not other things than human, you cannot give the criminal an indoctrination.”

He has a point there, Eiko(瑛庚) felt shame deeply but Sotsuyu(率由) did not give in.

“This is not human, who murdered a eight-year boy for taking 12 sen(錢).”

Sotsuyu(率由), Eiko(瑛庚) reproved Sotsuyu(率由) in whispers, but he didn't turn around at all. On the other hand, Enga(淵雅) directed a harsh look at Sotsuyu(率由).

“Judicial system definitely states a criminal is other things than human. Is that the reason the criminal like Shudatsu(狩獺) who cannot be understood easily appeared? You declare they are other things than human, and then you order them to repent. Who follows it? Criminals repeat crimes because you treat them in such feelings.”

“But we –,”

“To begin with, who does commit a murder for only 12sen(錢)? Of course I know

Shudatsu(狩獺) himself deposed it for High Court(州司法)’s investigation, but he dared not account for that because High Court(州司法)’ officials definitely stated he is a monster. Am I wrong? Such an attitude, which looks down on someone like other things than human, will make more criminals.”

Sotsuyu(率由) made no commentary at this moment.

“Though it may be too much difficult to understand, Shudatsu(狩獺) must have his reasons that he murdered the boy. If we make it clear, we can know how we save the criminal like Shudatsu(狩獺). That makes us save and indoctrinate them.”

“I don’t mean to contradict you, but Shudatsu(狩獺) said he had no reason.”

Jokyu(如翕) talked back, but Enga(淵雅) shook his head.

“Did he just say so? Shudatsu(狩獺) might not be able to explain himself, or he might not know himself. But, admonishing and explaining, searching a reason with him, and future using it to rule over and indoctrinate people, which is the role of the judiciary.”

Jokyu(如翕) fell silent.

“The duties of the judiciary are not to punish criminals. It is to indoctrinate and provoke soul-searching, and recover them. You all never forget it.”

Enga(淵雅) said and looked at Eiko(瑛庚) and others. Eiko(瑛庚) shut his mouth though he started speaking, because Chiin(知音) gave a significant look to him from behind Enga(淵雅). Chiin(知音) came into Enga(淵雅)’s presence.

“I received your intention, Dai-shiko(大司寇).”

Enga(淵雅) nodded.

“Taiheki(大辟) is not tolerated. — Understand?”

Enga(淵雅) told strongly and turned back. Chiin(知音) said nothing and hanged his head deeply. Eiko(瑛庚) and others did the same. They heard Enga(淵雅)’s footsteps out without raising their head. Losing footsteps, Chiin(知音) raised his head. He looked pained, indeed.

“You all heard Dai-shiko(大司寇)’s intention. But perform your duties without being swayed by others and do as usual.”

“But

“It is Shujo(主上)’s words that he leaves all to us. We need not to be sensitive to Dai-shiko(大司寇)’s mood.”

Nervously, Sotsuyu(率由) asked,

“Shujo(主上) told he left all to us. Does it mean he withdraws his earlier statement ‘we do not use Taiheki(大辟)’?”

Chiin(知音) made a grimace.

“..... I don’t know about that.”

“What do you mean ‘you don’t know’?”

Sotsuyu(率由) asked again, but Chiin(知音) shook his head. He gestured for

Eiko(瑛庚) and others to get seated. He weakly sat on a bench which was prepared for the accused person or for called witnesses at the trial. They wondered whether Chiin(知音) noticed it.

“I met Shujo(主上) directly and asked for true meanings about the words ‘I leave it to Shiho(司法)’, but I didn’t get clear instructions at all”

To begin with, the ruler(王) brushed off Chiin(知音) who requested to see him, because of having had his say. But it made not only Chiin(知音) but also Eiko(瑛庚) and others run into difficulty. So, Chiin(知音) asked for a meeting again and again, and he finally got it by pleading with Chosai(冢宰) and Saiho(宰輔).

“But, Shujo(主上) told me ‘I leave it to Shiho(司法)’ again. Though I asked him if it means to withdraw the previous statement ‘We do not use Taiheki(大辟)’, but he said ‘I also leave it to Shiho(司法)’. He told, if Shiho(司法)’s judgment is to withdraw it, he will accept it.”

“So, can we understand the death penalty is permitted?”

“I’ve made sure of it. Include the death penalty, your judgment is allowed. Shujo(主上) said he would not impugn you.”

Eiko(瑛庚) felt troubled inside. Might he be able to think Shujo(主上) trusted and relied on Shiho(司法)’s judgment? No, if anything, this is to leave all the decision-making to others. In fact , since Eiko(瑛庚) was told such words ‘I leave it to Shiho(司法)’, he developed a feeling of suspicion. This is neither words after much hesitation nor expressions of the reliance on Shiho(司法). This is rather a code word for having zero interest in it.

Eiko(瑛庚) voluntarily gave a sigh. He heard Jokyu(如翕) and Sotsuyu(率由) moan slightly because they probably had the same feeling.

Though the Ruler(王) of Ryu(柳) was a ruler of virtue who had reigned over the country for about 120 years, people raised an eyebrow in doubt many times these days. The ruler(王) often behaved as if he had no interest in politics. The ruler of virtue like that — Despite making Ryu(柳) become a renowned constitutional state and lifting it to fame, sometimes he acted as if he defied the law. Making ad hoc judgment without consideration. He expected people to obey his new law which destroyed the law. Each time, someone advised but the advice wasn't always accepted.

Chiin(知音) sighed very deeply,

“Somehow, Shujo(主上) told he left it to Shiho(司法). Without worrying noise, proceed to the trial. I support your judgment.”

“But, Dai-shiko(大司寇) won't satisfy himself.”

Eiko(瑛庚) said so,

“He can impugn our decision because he is Dai-shiko(大司寇), but you all have no obligation to obey. Furthermore, Shujo(主上) left it to us, so, even Dai-shiko(大司寇) cannot refuse to our decision about this case. — After my reporting, however, Dai-shiko(大司寇) might persuade Shujo(主上) by himself.”

It could be. Dai-shiko(大司寇), Enga(淵雅), is a son of The Ruler of Ryu(劉王). As well as in public, he can directly persuade the ruler(王) in private.

“Can he do it, sir?”

Sotsuyu(率由) asked in a low voice. It's difficult, Chiin(知音) answered shortly.

Dai-shiko(大司寇), Enga(淵雅), was called the ruler of rulers of Ryu(柳). — Of

course, it was just a nickname exchanged quietly among people. It might be his rivalry with his father who has a good name as the wise ruler. He was trying to be the ruler more than the ruler. Saying 'The death penalty is not tolerated.' is also the same thing.

In everything, after the ruler(王) decided, Enga(淵雅) always emphasized ruler(王)'s opinion as if it was his from the beginning. Even if vassals questioned the decision and the ruler(王) withdrew, Enga(淵雅) did not compromise at all. The decision was already his decision, and justice and reason stood by him. He asserted that both of them, vassals who questioned the decision and the ruler(王) who accepted their suggestion, were wrong. With the prerogative of the prince, Enga(淵雅) broke in ruler's private room and tried to correct him.

— But, regrettably Enga(淵雅) wasn't as great as the ruler(王). He, in the first place, could not decide anything without the ruler(王)'s instructions. In fact, he seemed not to have even his own opinions. Until the ruler(王) making a decision, he did not commit himself and watched out for his father carefully. He scarcely started emphasizing it as if it's his from the beginning when the ruler(王) decided. Not only chasing the thought of his father and insisting that it's his own, but also Enga(淵雅) tried to run ahead of it. Though he added more arguments and gathered more points, he reached a fair argument having no reality-based vision and took his unreasonable conclusion which had been decided in his mind from the beginning. He often had the wrong idea of the basic parts. He talked about the ideal of the judiciary, however, he had no doubt that he infringed on the independence of the judiciary being the basis. — like this matter. Besides, Enga(淵雅) had little mind which didn't accept others suggestions and couldn't reflect on himself about his past conduct. It might have been natural because it was not his own thought.

Therefore, no matter how Enga(淵雅) persuaded his father, it never succeeded. The Ruler(王) smiled wryly while reasoning with his son, Enga(淵雅) couldn't accept it and went wild, or he was uselessly impatient to run ahead of his father.

Experience had shown that the ruler(王) might not respond to Enga(淵雅)'s persuasion. — So, to make a decision would be for Eiko(瑛庚)'s job.

Jokyu(如翕) sighed with mixed feelings.

“..... This is insolence, I know. But why does Shujo(主上) give the prince such an important position?”

Enga(淵雅) was a stubborn. Once he had come out with something, then he didn't accept any persuasion at all. Politicians must be flexible. He, the stubborn boss, was often a major obstacle for people who working for him. However, the ruler(王) still gave Enga(淵雅) an important position. Though people talked in low voices it's O.K. if he was at least Tenkan-cho(天官長) or Shunkan-cho(春官長), the ruler gave him hold prominent positions such as Chikan-cho(地官長) and Shukan-cho(秋官長) of all others, which he wanted to be.

Well, Chiin(知音) smiled wryly.

“It might be father's love. A great man like that cannot overcome parental affection.”

In many ways, Eiko(瑛庚) was profoundly depressed. At this moment, Enga(淵雅)'s presence was heavy in his heart. Of course, he knew the ideal of the judiciary, he himself agreed to pursue it. But, this point was not the problem about Shudatsu(狩獵)'s case. Therefore, Eiko(瑛庚) and others cudged their brains. The person, who didn't understand it, was in Dai-shiko(大司寇) gave deadweight to them. Besides, the ruler(王) became soured on his administration. The administration creaking, the country ruining —.

Enga(淵雅) burst into the trial made all of them bring down somehow, so it tentatively ended on the day. From the next day, they had trials at Shiho-fu(司法府) almost daily, but their discussions added another layer of confusion.

Before they know, Sotsuyu(率由), Shishi(司刺), insisted on the death penalty, and Jokyu(如翕), Tenkei(典刑), insisted on imprisonment. From the beginning, Sotsuyu(率由) felt compassion for victims' family because of meeting them at the opportunity of Sanshi(三刺). But this never showed that Sotsuyu(率由) wanted to do the death penalty. Sotsuyu(率由) stood on nothing but insisting on the death penalty according to the starting situation. To the contrary, Jokyu(如翕) dared to deny the death penalty. They played such a kind of roles each other. Eiko(瑛庚) knew very much they were seriously in two minds.

Eiko(瑛庚) himself wondered why all of the three so much hesitated about this. As Eiko(瑛庚) listened to them in silence, he was compelled to wonder Jokyu(如翕) had no chance as far as their discussion.

In a situation, Sotsuyu(率由) insisted on the death penalty because of people's uneasiness.

"People are anxiety. The public peace is disturbed. To correct the disturbed country, I think we need the punishment to stop a punishment."

To stop a punishment by the punishment(以刑止刑). — Meaning, saying to impose a severe punishment on one of criminals prevents other crimes. On the other hand, Jokyu(如翕) appealed to them for the severe punishment had no power to deter crimes, using many examples from their and other countries.

But, Sotsuyu(率由) contradicted.

“To use the death penalty can’t make security deterioration. Of course, we cannot deter crimes by the death penalty, but we need it for innocent people. The criminal like Shudatsu(狩獺) is certainly executed, which makes people stop worrying. A person murdered someone is executed. — Effect of intimidation, it is necessary for people’s peace.”

“I know people expect the peace. I also know they have a fear due to the disturbed world. To begin with, the country is disturbed and the popular mind gets wild, so, the number of crimes is increasing. — I hate having to say, but, our country is lurching. The lurch of the country is not corrected by punishments. instead, it will have innumerable harmful effects without doing any good at all. To revive the death penalty now is to permit the lurching country to overuse the death penalty.”

“To obstruct that is our responsibility. We, Shiho(司法), exist for peoples’ peace and for protecting them. We use the death penalty to ease and calm people, and we stop overusing it for the peoples’ safe. — What shall we do if we aren’t?”

This silenced Jokyu(如翕). Actually, Eiko(瑛庚) and others, all of them, were apprehensive that the death penalty might be overused by reviving it, but it was also their duty to stop overusing. Shiho(司法)’s duty is not only using punishments.

And other times, Jokyu(如翕) made a stand with the possibility of a mistake.

“We might have a misjudgment.”

Jokyu(如翕) said with disgust.

“You can say that mistakes we make never happen? Unfortunately, we might judge an innocent person as a guilty person. Later, when we find out it was false accusation, there is no way to undo if the person had been executed. We must

have an opportunity to correct.”

“Well — I want to ask you a question. If it’s imprisonment, is the mistake acceptable? How about penal servitude? What does happen to the person that was judged for a false crime, was forced to perform hard labor, and spent some periods of his life? Is there any way to undo? Different from us, people are not immortal.”

Jokyu(如翕) kept silent.

“People have a life of only 60 years. Whether a year or three years, they are very precious a year or three years in their very short lives. They cannot get their lost time back. We cannot make good their suffering and we cannot make amends for suffering of their family who carry a stigma of a criminal’s family. To begin with, we should never have a misjudgment.”

“Nevertheless we are not gods, so, we are stuck in a misjudgment. Easy to say about the ideal, hard to do. It’s arrogant we think we can achieve goal through our efforts.”

But, Sotsuyu(率由) made a strong stand.

“At least about Shudatsu(狩獺), it’s not a misjudgment. He confessed his guilt, and about 5 cases, we have reliable eyewitnesses who saw him commit murders. If you say we shouldn’t have use the death penalty because we could lead to a misjudgment, we can execute Shudatsu(狩獺) whose guilt is never a mistake. Am I wrong?”

Jokyu(如翕) drew his brows together.

“We don’t discuss Shudatsu(狩獺)’s cases now. The death penalty itself we —”

“They are the same. An execution is not allowed due to the potential of the misjudgment, then, it can be permitted if there are no mistakes. The death penalty exists in Laws of God(天綱), so the problem is not its right or wrong but about each individual case.”

As Eiko(瑛庚) listened to them and nodded at himself. Jokyu(如翕) had no chance again. Though the death penalty is a problem of right or wrong, the misjudgment is definitely wrong. To begin with, talking about both as a same level problem is impossible.

Another time, Sotsuyu(率由) informed the heart of victims’ family and took sides with the death penalty.

“How strong the suffering of people is! One of whose family was taken away because of the monster for no reason.”

“I know their suffering. But to execute Shudatsu(狩瀨) does not take victims’ lives back. It also does not make good their suffering whose family was taken away unreasonably.”

“Of course not. We can never change what happened. We also cannot sweep the cases happened clean, even if having the majesty of the king of gods(天帝). But for this reason, people need relief if it is very small fraction. Their suffering of family lost we can never take from their minds, but their having steep in suspicions against the gods, why the gods permit the existence of the monsters like Shudatsu(狩瀨)?, we can remove it from their minds. And that exactly eases them of pain. — Conversely, what we do not execute Shudatsu(狩瀨) is what we leave them as it is, though knowing there is a way to remove their suffering. In that case, can we talk about moral principle to our people?”

‘But,’ Jokyu(如翕) objected.

“The punishments don’t exist to revenge on behalf of victims’ family.”

“For what do you think it exists? For indoctrinating wrongdoers? But Shudatsu(狩獺) already served in prison three times. Two of three is Second-degree murder(鬪殺) and the last one is First-degree murder(賊殺). If they had executed him according to the law when he had sentenced to the third imprisonment at Kin-shu(均州), 23 victims wouldn’t have lost their lives.”

The principle is the punishments exist for indoctrinating wrongdoers has no powers of conviction because Shudatsu(狩獺) hadn’t reformed indeed. Jokyu(如翕) advocated that using ways of indoctrination is wrong and they needed to talk to about more effective system for indoctrinating except reviving the death penalty. But when he was asked what system is more effective and how they know the effects, he had no words for it. The reality of 23 new victims was too heavy. It happened because Shudatsu(狩獺) was not executed and set free.

And other time, Jokyu(如翕) tried to resist it by insisting on a life sentence.

“If you say repeat offenders are problems, don’t permit releases, I think. Even now, a criminal repeats serious crimes serves virtually a life prison time until his Soboku(沮墨) fading. We punish all criminals who deserve the death penalty by a life sentence. How is this?”

“Do you say we feed criminals like Shudatsu(狩獺) until their death in prisons? You mean we pay their food cost by people’s tax. If the number of criminals like Shudatsu(狩獺) increasing, the food cost increasing unlimitedly. We need the reason, if people pay such cost, why they keep alive, which makes people understand.”

Jokyu(如翕) was at a loss for a word momentarily but talked back instantly.

“How is the possibility of the misjudgment? We always have the possibility of the misjudgment, so we have to leave the chance of the remediation. We require people to shoulder guaranteeing their own right. The misjudgment is the misjudgment, so people don’t know they fall victim to it in any given moment.”

“Well? Can we always remediate it, unless we execute prisoners? I’d like to ask you this, what will prompt us to want to correct our misjudgment?”

“At the time — a prisoner himself appeals

“O.K. If Shudatsu(狩獺) appeals the misjudgment, we will accept it and have a re-trial, right? At that time, will your statement be changed?”

“At the re-trial, we need another Tenkei(典刑), of course.”

“New Tenkei(典刑), new statement? In a criminal trial, can we tolerate the judgment is easily changed by each Tenkei(典刑)?”

Jokyu(如翕) couldn’t answer it. — As a matter of course, Jokyu(如翕) works trials confidently. It’s impossible Jokyu(如翕) could easily changed his judgment because a prisoner himself appealed it was a misjudgment, and it’s a big problem if he could so. New Tenkei(典刑), new statement, which is a sound argument on the surface, but which means Tenkei(典刑)’s judgment is non-objective. To do such a thing is hardly possible for them at all.

“Not to execute for the remediation is kind words, but it is worthless if no actual remediation. For the remediation we listen to prisoners’ appeals carefully, and each time we have re-trials, which works up Shiho(司法)’s burden and pins us down. On the other hand, the chance of the remediation for the misjudgment is inevitably decreasing if making provision for re-trials to reduce the burden on officials. — No, to begin with, misjudgments are supposedly impermissible things. A life imprisonment which has a chance of the remediation blindfolds us

and it maybe makes our judgment a half-hearted job. If we are afraid of misjudgments, we use the death penalty and we should decide not to make misjudgment.”

Jokyu(如翕) went silence.

Eiko(瑛庚) shook his head once. He thought Jokyu(如翕) had no chance again. — He felt strange about it.

Eiko(瑛庚) had lived in the world where the ruler(王) disused the death penalty all his life. It's natural that they disuse the death penalty, and a matter of course punishments are to give wrongdoers an indoctrination. Even when people requested to execute because Shudatsu(狩獺), he believed it was natural to disuse Taiheki(大辟). The problem was its conclusion makes people understand or not, he thought.

But, when they discussed the rights and wrongs of the death penalty seriously, he felt that stopping the death penalty wasn't reasonable. Until this moment, it was rather strange what he had no doubt about stopping the death penalty. Instead, he asked himself that he would accept the revival of the death penalty at this moment, but he also felt something wrong against it. In his mind, he heard his voice to whisper 'it shouldn't'.

Eiko(瑛庚) was at a complete loss, and asked Sotsuyu(率由).

“Well, — What do you think about this, Sotsuyu(率由)?”

He dared not call his title but his name. Sotsuyu(率由) blinked hesitantly and lowered his eyes.

“In fact, I have doubts, sir. About Shudatsu(狩獺), I think it should surprise no one that we will execute him. But I cannot help feeling whether it's wrong.”

Sotsuyu(率由) said and smiled wryly.

“Honestly, I hoped Tenkei(典刑) would argue me down that I was wrong.”

Jokyu(如翕) sighed in an bewildered way.

“I tried to find a way out of the difficulty, but I couldn’t. I — still consider that the death penalty is wrong though I cannot talk down Shishi(司刺).”

“First, I am deeply concerned about the revival of the death penalty leading to abuse of it.”

Sotsuyu(率由) said.

“But now, while I advocate the use of the death penalty, I begin to feel something unreasonable. I quickly said ‘our responsibility’ without deep thinking though, if we, Shiho(司法), fear to abuse, we do a simple matter of stopping it. — We should do, shouldn’t we? It’s O.K. for other officials to fear, but I wonder it’s strange for us to fear, I mean, none other than me, one of judicial officers.”

Eiko(瑛庚) nodded and thought he had a point.

Jokyu(如翕) let out a breath.

“Actually, the more we talk about the death penalty, the more I think it’s neither taught nor learnt, we revenge our dead with the death penalty. It’s natural victims’ family thinks so, the others who have no relationship with them insist the same thing. This is fundamental justice – or rather, it is a reflex beyond the theory, I think.”

“..... reflex?”

Jokyu(如翫) nodded yes.

“What they request to the death penalty is beyond the theory, on the other hand, what we stop the death penalty is just a theory. I feel it to play around the theory. Lacking realistic feeling. I can't say it's anything but the death penalty is cruel. As most of five punishments(五刑) have been cruel and they have been avoided, the death penalty should be avoided.”

“Hmmm.....”

The original five punishments(五刑) were tattooing the face or forehead(黥), cutting off of the nose(劓), amputation of one or both feet(刖), castration(宮), and the death penalty(大辟). They were punishments for the felony like murder, but there were almost no countries still had enforcement of all. To avoid them was a trend because they were too cruel and they were an outrage on human rights. At Ryu(柳), the word five punishments(五刑) only remained in the meaning of equivalent of old five punishments.

Sotsuyu(率由) nodded his head.

“Cutting nose, cutting feet– if we say they are cruel, the death penalty is cruelest. At least, in a country ruled by law, we shouldn't use it, in my opinion.”

Exactly, Eiko(瑛庚) thought but he harbored ill feeling, too.

He knew Shudatsu(狩獺) had been using the cruel violence on innocent people at all the time.

— He felt like they were running in circles.

Eiko(瑛庚) departed from Shiho-fu(司法府) with feelings like despondency. Throughout trials again and again, the summer finally passed and he saw glow of the sunset on that day, which made him feel autumn. On his way home, he stopped at Shikei-fu(司刑府) and conferred with his lower officials. When he entered the gate of his official residence, Seika(清花) was waiting for him while sitting at an entrance stained from the sunset. Behind her, he saw two strangers, man and woman, in the shadow of the entrance.

“— I’m waiting for you.”

What’s up? Eiko(瑛庚) asked and looked at the two strangers behind her. As soon as Eiko(瑛庚)’s approaching, the strangers quickly slid from a bench and kowtowed to him.

“They are Shunryo(駿良)’s mother and father.”

Seika(清花) was rising from a chair and said so, which astounded Eiko(瑛庚).

“— What are you”

“You must listen to them.”

She said decisively and stopped their kowtow to raise their faces.

“This is Shikei(司刑). Say what you want.”

“Wait.”

Eiko(瑛庚) stopped it with his strong voice and looked hard at Seika(清花).

“I can’t listen to them.”

Eiko(瑛庚) said and tried to run through the entrance building. Seika(清花) caught his hand by the hand.

“Why do you run away? Please listen to them.”

“Let me go. I can’t.”

“You don’t care to victims’ pains, and what judgment can you make!?”

“You are arrogant.”

Eiko(瑛庚) shouted at her without thinking. Seika(清花) grimaced quickly.

“You think it has no value to listen to them who have no official rank. You refuse to listen to voice of victims and ordinary people, and you try to adjudicate only depending on logic of on the clouds.”

“You are wrong.”

Eiko(瑛庚) said and stared on the two persons, man and woman, who freezing over with their faces up. Their worn appearance and their hopeless eyes seemed to gouge his heart out.

“I think Shishi(司刺) listened to you. If you have the other things to say,

complain with Shishi(司刺) again. Now, get out here as it is.”

“You think it’s enough for Shishi(司刺) to listen. This is not under yours. That’s always the case with officials. They keep their hand off more than their duties.”

Eiko(瑛庚) raised his voice at Seika(清花) who scolding him.

“If I listen to them on the personal level, the identity of the trial will be harbored suspicion against.”

Only the three, Tenkei(典刑), Shishi(司刺), and Shikei(司刑), manage the judicial contest. The others, except this three, never control the adjudication. It is absolutely necessary to protect the independence of the judiciary from the country or corrupt officials. Tenkei(典刑) can investigate victims as a part of interrogation and Shishi(司刺) can ask victims and their family for their opinions by his duties, but Shikei(司刑) meets victims by himself is never permitted. If he does, Eiko(瑛庚)’s judgement loses its credibility.

Besides, the ruler(王) left this case to his judgment. Eiko(瑛庚)’s determination is a national determination, so to breed suspicion about it should not be. the people placed their trust in Shiho(司法) or not, which depended on Eiko(瑛庚)’s judgment for the case. On top of this, he had Dai-shiko(大司寇). Enga(淵雅) was poised to object to the death penalty categorically. If Eiko(瑛庚)’s judgment was the death penalty and Enga(淵雅) knew he met Syunryo(駿良)’s mother and father personally, Enga(淵雅) would deny all his judgment by this single instance. And Eiko(瑛庚) couldn’t take objection to him at all.

“This is not only for me but for you two. Get out immediately.”

He dared to say with his back to them and Seika(清花) interrupted.

“No. I never accept it. Until you listen to them, I don’t let them go. As my guests,

I keep them here even if it needs many days.”

“You idiot!”

No sooner did Eiko(瑛庚) yell than Seika(清花) went pale. And her pale face quickly went red with anger. Eiko(瑛庚) knew he said the worst word, but he couldn't hold back.

“You know nothing. — Anybody? Anybody there?”

Someone called back to him and moved, but its sign was far away. Probably, Seika(清花) must have ordered to leave the room. As Eiko(瑛庚) understood to accomplish nothing, he broke free of her hands. At the moment.

“Please kill the monster, sir.”

He heard a painful woman voice.

“If couldn't, kill me, sir.”

Eiko(瑛庚) looked back at the woman instantly.

“I called to my boy, when he went out. ‘Do you have money? Enough?’ At the moment, the monster was listening.”

— 12 sen(銭) for three. Sure, I have.

“He wanted to eat his fill with peaches. Usually, I don't allow him to waste his money. But that day, he said, he wants his baby sister to eat a peach. She is still a speechless baby, though, she was very pleased when she once ate a piece of

peach. So, she is sure to like a peach very much, he said. She likes peaches the same as he, because she is his sister, he said. So, he wants to give his baby sister a full peach, he said.”

He could not see tears in her eyes but they were filled with something deep.

“For that, he helped me very well. A help, a coin. For all day, he stayed around me, and asked me for something to help. He said to help this, or to help that. Tenderly and lovely I gave him extra 2 sen(錢) on the day. I told him, you are great, helping and saving for a long time. As I knew his total became 12 sen(錢) by the extra 2, I gave 2 sen(錢) to him.”

Eiko(瑛庚) took his eyes off her. He understood what she wanted. He was prepared for being considered as tyrannical and was going away. The man voice ran after his back.

“My son is dead. Why is that man still alive, sir?”

The voice was cracking. Was it because of shouting himself hoarse or becoming a slave of passion?

“It was very near of me. But I couldn’t save my boy. He must have cried for help to us. But, I couldn’t hear him. How suffering he was! What he thought and what he felt? Why did the man kill my son, why he? I have no idea. I never stop thinking about it because of having no idea. My only idea is my son never returns. And yet, the monster is still alive.”

He wanted to refuse to listen to him, but he never did.

“My son suffered very much. We are still suffering. Despite that, why is that man no suffering? There is no worth of our suffering? For officials like you, do we, the ordinary people, have no worth you look back on even if we suffer very much?”

Eiko(瑛庚), controlling himself, didn't look back at him.

The servants who rushed in let the couple back to Shiso(芝草). Though Seika(清花) objected, Eiko(瑛庚) gave them careful instructions that they made the man and the woman go home definitely and strongly ordered them not to let the people involved come in his residence. At the same time, he sent for the lower officers and he let them shut the gate and guard it so that the same thing would never happen. After that, he visited Seika(清花) to persuade at her room but she never opened the door.

“Enough. I've understood you and I've known what you think of me.”

She told him to slam down from the other side of the door and never answered again. Eiko(瑛庚) could do nothing except standing in the corridor.

Seika(清花) might leave him the same as Keishi(恵施). — It can't be avoided, he thought.

If it's her will, there is nothing he can do about it. But, he wonders what Seika(清花) depends on for a living after that. It's possible Eiko(瑛庚) pays for her support or gives her work, and, she, as a citizen, can be provided Kyuden(給田) again. While Seika(清花) living in the official residence, 12 years passed in the lower world(下界). The 12 years brought Seika(清花)'s mother and father death, and siblings old age. Her acquaintances also were spending 12 years. He wonders if she adjusts gradually to it.

Thinking so, Eiko(瑛庚) smiled wryly.

Such a long time which made all her relatives die didn't pass. Recently, their touches to each other became rarer, but, some years ago, she kept in frequent touch and visit with them. They would be able to mend their long silence. — Unlike Keishi(恵施).

When Keishi(恵施) left him, she had lived with him for a little less than 6 decades. Her parents, of course, her siblings already passed away. Moreover, even their children weren't alive anymore. Keishi(恵施) became an ordinary person again, didn't have any relatives or a friend in the lower world, and what she thought and what she felt.

He could image her loneliness she felt. Actually, once Eiko(瑛庚) resigned his position and surrendered his Senseki(仙籍), and went out of power. After Keishi(恵施) leaving. He didn't have trouble making a living because he had his own savings and benefits from the country, but, it was a traumatic experience that he had nowhere to go. He had no acquaintance and old friend, including their children. Their grandchildren or relatives were somewhere, but he couldn't find them. All the places where he had lived, including his hometown, was noticeably different. As he surrendered his Senseki(仙籍) because of taking responsibility for a scandal, he could do neither visiting his second son was a state official nor depending on his close peers. To avoid meeting and talking others, Eiko(瑛庚) had no choice except belonging at home. Eiko(瑛庚) cut himself off from the world completely.

He thought the story of how affair had happened was very ironical at the moment. The term, while belonging at home, Eiko(瑛庚) met Seika(清花) and got remarried to her. The reason why Eiko(瑛庚) shut himself up in his house was Keishi(恵施), who was Eiko(瑛庚)'s first wife, tried her hand at criminal act.

Eiko(瑛庚) didn't know about Keishi(恵施)'s life as a common person, after her leaving him. Eiko(瑛庚) offered assistance to Keishi(恵施), but she refused it and disappeared in the street. It was after five years that he heard of her again. Keishi(恵施) was arrested because she took enormous money and goods by cheating people, using the name of Eiko(瑛庚) who was one of top officials and putting a word or favors into her victims' ear. The investigation brought out Eiko(瑛庚) having no relation with it, but he couldn't stay as an official anymore. He resigned to take responsibility for it and went out of power.

— What was she thinking about?

Eiko(瑛庚) thought of Keishi(恵施) as a good woman. He could imagine she was the last person tried her hand at criminal act. He thought she was probably reduced to poverty, which made her be tempted by an evil spirit, and he found it painful. After her arrested, she wrote a letter of apology many times and he felt her sincere reflection, so Eiko(瑛庚) offered Shishi(司刺) to discharge about his own damage. As her former husband, he redeemed for her victims. For that, she sent a letter with a lot of thanks for him, after serving 6-month jail sentence, she got out of his sight. A year later he heard of Keishi(恵施) again, who was arrested at Kin-shu(均州) for similar offenses.

He had a bitter taste in his mouth when looking back at that time. Her letter of apology and his discharge offering, the same things were repeated, but Keishi(恵施) did the same crime again and again afterward. The more crimes the less damages, but Eiko(瑛庚) couldn't help accepting the fact that a person exists who is never reformed. He ignored her fourth letter of apology without standing. At that time, it was three years since he had gone out of power, he got remarried to Seika(清花) and was recalled to his former position of the government.

After recalled to his position, Eiko(瑛庚) tried and tried to look into the matter of Keishi(恵施), but her action was beyond his understanding. For the interrogation of Tenkei(典刑) in the prefecture(郡), Keishi(恵施) stuck her chest out and said that it was the revenge for Eiko(瑛庚) who looked down on her. According to some sources, her immediate motive was money and goods. Keishi(恵施) was poor in the lower world(下界) as Eiko(瑛庚) guessed it. But actually Eiko(瑛庚) found Keishi(恵施) had thought to try her hand at criminal act itself was to revenge for him. Keishi(恵施) deceived wealthy merchants or local officials to prove herself not to be stupid. At her first jail sentence, she showed her deep regret and officials released her because of believing it, but her interrogation under second arrest, she spoke she never regret at all. —For Eiko(瑛庚) it was beyond understanding though, they said Keishi(恵施) definitely considered

breaking and evading the law were the revenge for Eiko(瑛庚).

The Tenkei(典刑), who interrogated her, commented that she had obsessive desire for revenge and hostility for husband, but Eiko(瑛庚) could not understand why she had hated him so much. At any rate, after Eiko(瑛庚) gave up Keishi(恵施), he heard of her who repeated the same crime for living. She always used the same methods, so anyone wasn't deceived gradually and he became not to hear of her. Eiko(瑛庚) did not know how she is doing.

It was not always true that Seika(清花) followed in Keishi(恵施)'s footsteps because she went back to the ground, but he could never forget the experiences with Keishi(恵施).

He sighed in front of the door where he couldn't hear any sounds, and returned to the main building. At the steps of the main building, Riri(李理) wrapped up in a small ball and was on the verge of tears.

“Riri(李理)–”

“.....Do you drive Mammy out, Daddy?”

His daughter who held her knees looked up at Eiko(瑛庚)'s face, and asked. Eiko(瑛庚) sat at her side and nodded no.

“I never do such a thing.”

“But, Mammy says so. You do drive Mammy and me out, Daddy.”

Eiko(瑛庚) wondered how she took care of Riri(李理). He could accept Seika(清花)'s leaving, but how she would do about Riri(李理). She would maybe take her daughter with herself as a common person, but, the thought brought the double

sights of Riri(李理) and Shunryo(駿良) to him immediately.

The lower world(下界) was wasted. He felt as if he threw out his innocent young daughter in the monster-ridden world as Shudatsu(狩獺) dominating over.

“I never throw out you and your mother. I always want you two to be with me. Or do you want to get out here, my daughter?”

Riri(李理) shook her head.

“Then, will you promise me? You are never going anywhere.”

—And you are never caught by a monster as Shudatsu(狩獺).

Riri(李理) nodded with a very earnest expression. Seeing her face, Eiko(瑛庚) feared.

If anything happens to my daughter.

Jokyu(如翕) said that the person got the death if he murdered someone is not the theory but a reflex. Eiko(瑛庚) thought he was right. Such a thing, to kill such an innocent young creature as his daughter with unsparing brutality, should not be tolerated. He never overlooked it and the person who dare commit such a crime should be prepared himself for his death.

If Shudatsu(狩獺) had murdered Riri(李理), Eiko(瑛庚) would never have forgiven him. If Shiho(司法) didn't kill him, Eiko(瑛庚) would put Shudatsu(狩獺) to the sword by himself. As a result, he didn't mind even if he was accused of a crime.

—There is no choice except the death penalty.

As soon as he thought so, he got a chill down his back. He felt like making a step toward the place where not making a step into.

He wondered what his hesitation was. — Eiko(瑛庚), who was in thought, patted Riri(李理)'s cheeks.

“Can you comfort your mother?”

Riri(李理) nodded her head, got up abruptly and ran in her mother's room. Her small back went away. It was getting away smaller and smaller.

Eiko(瑛庚) stared after his young daughter.

At night, Hogetsu(蒲月) rushed into Eiko(瑛庚)'s study.

“— I heard a serious matter happened. —”

He said so with gasping for breath. Eiko(瑛庚) nodded simply.

“I’m sorry, sir. I wish I were here and could have kept her back.”

“You need not apologize. Who told you the story?”

“My manservant. — Before that, I heard something had happened at Shikei(司刑)’s residence. But I could not hear what happened really.”

Eiko(瑛庚) smiled wryly.

“Anybody can know because that was at the gate. Or, in my servants I have someone who can’t keep a secret. — Well, either way, people will talk.”

Said Eiko(瑛庚) and looked out of window. From the dark garden, cool night wind blew in. He felt — autumn has come.

“If Shiho(司法) or Sho-shiko(小司寇) know this matter, what will they do?”

“They will order me to get out of this case.”

Answering to him, Eiko(瑛庚) thought he can accept it if it happens. This case was above and beyond Eiko(瑛庚)'s ability. Not only he got out of the case but

also he lost the position, Shikei(司刑), those might happen, but he felt it wasn't so bad.

Eiko(瑛庚) thought so, and looked at Hogetsu(蒲月).

“..... It may have harmful side effects on you.”

Hogetsu(蒲月) knelt down across from Eiko(瑛庚). He took Eiko(瑛庚)'s hands between his.

“Don't worry about such a thing, sir.”

“But –”

Hogetsu(蒲月) was only beginning an official of the country. He might lost his position which he obtained with effort.

“Don't blame Seika(清花), son.”

Eiko(瑛庚) didn't understand what Seika(清花) thought about but he knew her actions were never from evil thoughts. Hearing the details from the people around him, recently Seika(清花) went down to Shiso(芝草). Besides, she visited and talked with not only Shunryo(駿良)'s parents but also the bereaved. She would sympathize with their having talked story. The action that she caused was too hasty, but he could not deny her heart.

Eiko(瑛庚) said so, and Hogetsu(蒲月) agreed with him.

“It may be the result that we had poor communication. I should have explained as much as possible in words about my duty. At that moment, what I think, and what I hesitate.”

Though, he did not think himself did so if he could. He believed Seika(清花) could not understand it, and he did not want her to understand. — This is not denial. It is maybe opposite idea for him. Seika(清花) shows righteous indignation simply and is angered candidly, which he wants her to do.

But, his self-centered idea like this might make Seika(清花) angry, and Keishi(恵施) angry, too. All of them were Eiko(瑛庚)'s fault because both of them blamed him by the same things at least. — When he thinking, Hogetsu(蒲月) talked to him calmly.

“Grandfather, it’s not your fault, sir.”

“..... Do you think so?”

“Indeed, sir. It’s not your fault and it’s not my sister’s fault, either. All of them is caused by Shudatsu(狩獺).”

Eiko(瑛庚) laughed with pain.....He thought ‘You talk about Shudatsu(狩獺) at the moment?’

But Hogetsu(蒲月) gave his head a subtle shake.

“My sister, Seika(清花), feels uneasy. I don’t know why she made up her mind for seeing Shunryo(駿良)’s parents, but I think I know about her purpose. For the death penalty of Shudatsu(狩獺) — and for making herself easy by it.”

“I told her the death penalty has no power of stopping crimes.....”

Eiko(瑛庚) said, but Hogetsu(蒲月) nodded no.

“I think she didn’t have such an idea. Now, the peace of Shiso(芝草) is broken, and the process influences into the palace before we know. They already feel uneasy, the existence of Shudatsu(狩獺) makes them realize the existence of such criminals who are beyond saving. Beyond understanding and beyond empathizing with. The existence of someone who violates axiomatic justice and who does not care for it at all makes them uneasy, which put people like her into severe anxiety.”

Hogetsu(蒲月) said and smiled weakly.

“If even Shudatsu(狩獺) is removed, the uneasiness of them is removed, too. People or she can believe the world on some level. In that way, they are going to fix the world they can see.”

“That — Did Seika(清花) say?”

“No. I think so by myself. Ordinary people in my mind tell me so.”

I see, Eiko(瑛庚) murmured in his mind.

“They fix the world by removing.....”

Suddenly, he remembered Enga(淵雅)’s words.

“The word, monster, regards a criminal who cannot be understood easily as inferior to other things as human.....”

Hogetsu(蒲月) put his head on one side mystifyingly.

“It’s Dai-shiko(大司寇)’s words. When I heard the words, I think there was something in them, and it is true for me still now. We are coward more than we

think about ourselves. We cannot be easy except we disconnect from things we never understand.....”

When he ignored the fourth letter of apology from Keishi(恵施), the feelings must have been in his mind. At that time, he felt he couldn't keep up with her any more — It must have been an impulsive movement to disconnect from things he never understood and to drive her out a place where he could not see.

When he looked back, Eiko(瑛庚) did to offer her discharge and to redeem for her victims, but he never met her personally. Probably, he must have wanted to separate Keishi(恵施) to the place where he never saw. Though he helped her because he felt responsibility and obligation, probably he should have visited her in jail and have talked with her personally. Keishi(恵施) might not have repeated the same crime if he did so at least.

“Such a creature human being is.”

Hogetsu(蒲月) said and was patting Eiko(瑛庚)'s hands consolingly.

“But I have an official of the country in my mind, too. I know I have to think about and I know I have to put my feelings aside. I don't belong to Shukan(秋官), but I think I know your burden you have on your back now, grandfather.”

Eiko(瑛庚) just nodded.

“Please leave Riri(李理) and me to look after my sister, and devote yourself to your duty as Shikei(司刑), sir.”

Eiko(瑛庚) squeezed his grandson's hands back without a word.

Eiko(瑛庚) had heard their voices. He didn't think that encroached on his own responsibility, but he couldn't allow himself to behaving as if nothing had

happened. The next day, he reported to Chiin(知音) about it. Chiin(知音) told him to wait for further instructions and to advance the trial while waiting. Three days later, he got called from Chiin(知音), and Chiin(知音) he saw had a sour face more than when he had reported.

“We have no problem because Shujo(主上) understood you.”

Eiko(瑛庚) looked at Chiin(知音)’s face.

“I held a consultation with Sho-shiko(小司寇), and we decided reporting to Shujo(主上). I sought for Shujo(主上)’s directions, but Shujo(主上) said no problem.”

Chiin(知音) talked in a dejected voice. Eiko(瑛庚) became depressed, too. Although thankfully no scolding for him, he felt dejection at the same time. He thought he must judge the case by his own decision after all. Above all else, he had a major dejection for that Shujo(主上) already gave up the case.

“..... Shujo(主上) is not interested in Shudatsu(狩獺) at all, isn’t he?”

You’re right, Chiin(知音)’s voice became more lower.

“What’s Dai-shiko(大司寇) thinking in his mind?”

“I don’t know, he’s not contact me yet. I think he heard about you.”

“Considering his thought, you’d better replace me as Shikei(司刑), sir.”

“I have Shujo(主上)’s word, so there is no need to.”

Chiin(知音) said and looked at Eiko(瑛庚).

“I know your burden but I want to you to judge the case. Whatever results follow, I am convinced of your decision, I mean the decision of you three, Jokyu(如翕), Sotsuyu(率由) and you. — As I thought so, I left this to you three.”

Appreciating his words, Eiko(瑛庚) bowed deeply. While his way to trial's room, he became depressed more and more. When he entered the room, he saw Jokyu(如翕) and Sotsuyu(率由) with an anxious look on their faces and was profoundly depressed.

“..... Shujo(主上) already gave up the case as we already thought.”

The first words just came out of his mouth was not about his own treatment but this.

Their country was going to declining — definitely.

This put him back where he started. The country was inclining, would they be permitted to revive the death punishment at this time? When their country was sick severely after for years, can Shiho(司法), Eiko(瑛庚) and others, really stop the abuse of the death penalty?

Eiko(瑛庚) saying, both Jokyu(如翕) and Sotsuyu(率由) were lost in thought. At this time, they were still thinking what they should do. They could not make up their mind, what is right or not. Considering Shudatsu(狩獺)'s crimes or bereaved families, they thought they couldn't be helped the death penalty. But after this decision, a fear of the death penalty in their minds reared up.

Eiko(瑛庚) felt it's neither taught nor learnt. As well as the death penalty for murder is neither taught nor learnt, the hesitation for the death penalty is neither taught nor learnt, he thought.

He heard his daughter's voice in his mind.

— Daddy, are you going to be a killer?

The words Riri(李理) said might happen to be a truth of these hardest things. Eiko(瑛庚) had been thinking the death penalty and the murder are very different matters, but, did he really believe it? No, Eiko(瑛庚) felt as if he had known about it. No matter what someone says the death penalty is a murder definitely. That is to terminate other person's life artificially.

It is natural thoughts that the person who commits a murder is punished by death, and it might be natural feelings that people hate to kill others. Now, most of people insist on executing Shudatsu(狩獺) to Shiho(司法), or giving him to them if Shiho(司法) not doing so, but, how many people of them can kill Shudatsu(狩獺) if they meet Shudatsu(狩獺) face to face? At that moment, probably it is only the bereaved that can come forward and can use a sword to him. Eiko(瑛庚) thinks, himself would not hesitate to kill Shudatsu(狩獺) if Shudatsu(狩獺) murdered Riri(李理). Eiko(瑛庚) considers, normal people can do it even if they hate to kill others, when they have their revenge. — On the other side of the coin, normal people cannot do such a thing unless they lose their senses because of desire for revenge.

The abuse of the death penalty that people fear, the violence of the death penalty that people feel, they are the same things. That is instinctive scare — which might have roots in the reflection for hating to kill others.

As Eiko(瑛庚) said so, Sotsuyu(率由) sighed unwillingly.

“Perhaps you're right, sir. — This is just my opinion, but while I insist on the death penalty, I remember one of my friends. He was a colleague when I was a local official, and he is a Shoriku(掌戮) now.”

Eiko(瑛庚) could not help looking at his face. Shoriku(掌戮) under Shirei(司隸) give punishment on criminals for real. If Shudatsu(狩獺) is punished by the death penalty, the practice would be the duty of Shoriku(掌戮). Shoriku(掌戮) give it to him.

“It is natural that the person who commit a murder is punished by death — Shudatsu(狩獺) brings me such a guess, but I have a doubt my friend has the same thought or not. I know we cannot treat to sentence to death by the national law the same as to commit a murder by a personal selfish purpose. But, when we revive the death penalty, someone who terminates Shudatsu(狩獺)’s life exists for real.”

“But,” Jokyu(如翕) put a word in soothingly.

“We will use soldiers under Kakan(夏官) for the real execution. This is not a very nice thing to say though, soldiers are accustomed to kill others.”

“Do you think so? Crime control, counterinsurgency, in these situations, soldiers put themselves in the place to be killed if they do not kill. They can think about killing in the situations on the same level with executing a criminal who is fastened tightly at the site? I do not think so.”

“But Execution by executioner is not a murder. Justice executes the criminal, not by the executioner. Using executioner hands, the king of gods(天帝) does it. — I think telling its main point and rewarding abundantly will satisfy him.”

“..... Do you think he is really satisfied?”

Jokyu(如翕) lowered his eyes and shook his head quietly. Eiko(瑛庚) also felt he would not be satisfied if he were the executioner.

Jokyu(如翕) made a little snorting laugh.

“I want to give him the bereaved if I could..... They will take executioner’s duty with pleasure.”

Sotsuyu(率由) also uttered a dry giggle.

“I agree with you completely. — But, that’s revenge. We, Shiho(司法), exist for preventing to take the law into their own hands, and stopping a cycle of revenge.”

Sotsuyu(率由) said and looked up at midair weakly.

“Therefore, the executioner puts all of his effort.....”

“I have a question for you two.”

Eiko(瑛庚) looked at their faces.

“The people demand the death penalty. The lower officers allow the death penalty. But, the higher officers, the more hesitating. Why do they behave in such a way?”

“Well

Jokyu(如翕) tried to speak, but quit.

“That we who participate in judgment might be expected hesitate, but the high officials who do not participate in judgment really are against taking risks all together. I feel bizarre at the thought of it.”

Sotsuyu(率由) nodded,

“Yes definitely, sir.”

“For them, the country is themselves. — I think. I realize myself as a part of the country. Not only the judiciary, I feel that my intention is reflected to the act of the country by some form. I consider all the officers who participate in national administration have the same realization. Our intention is the intention of the country, the act of the country is our own act. For this, the murder by the country becomes our own murder.”

— Daddy, are you going to be a killer?

The death penalty is to kill other person. Someone terminates Shudatsu(狩瀨)’s life. The someone is ordered to do it by the country. Judicial officers, like Eiko(瑛庚) and others, encourage the country to do it, so it means high officers who appointed Eiko(瑛庚) and others to be judicial officers encourage it. — After all, high officers themselves will become a murderer.

“People pay back the death with a murder. This is neither taught nor learnt. I feel that I must not kill a person or that I do not want to kill a person are also neither taught nor learnt. A murder by the country is the murder by me, so I want to avoid this It’s just my personal feelings, of course.”

Eiko(瑛庚) has instinctive fear for murder in his heart. Probably the same fear at heart of the people. But for them, the country is a part of gods. The Ruler(王) who is elected by gods, the officers who are elected by the Ruler(王). Both of them are isolated from the people and their intentions. So the people can demand the death penalty without hesitation. For them, to kill Shudatsu(狩瀨) is not done by their own hand. It is done by gods’ hand.

“It would not be permitted that judicial officers discuss the rights and wrongs with their personal feelings, even more it shouldn’t that their personal feelings affect their judgment. But, for the person who knows the justice, the thoughts of hating murder is the same as righteous indignation that to pay back the death with a murder. I do not want to be a killer. I do not encourage others to murder.....”

Jokyu(如翕) sighed deeply.

“It will be also reflex that the feelings hate the death penalty as a murder, as the death penalty for a murder is neither taught nor learnt but reflex. Both of them are subjective instinct rather than reason, and their weights are perhaps equal.

“..... Maybe right.”

“I know to revive the death penalty brings abuse of it, but I also know the duty of the judiciary is to stop the abuse. To revive or to continue avoiding, both have a point. So both cannot bring the conclusion.”

“Well, the last factor we have is Shudatsu(狩獺) himself.”

Said Sotsuyu(率由), and Eiko(瑛庚) and Jokyu(如翕) raised an eyebrow in doubt.

“To revive or to continue avoiding have even chance. Therefore, which we choose depends on Shudatsu(狩獺) himself. Originally, the reason Shujō(主上) decided to avoid Taiheki(大辟) is the purpose of punishment is not the punishment itself, but to indoctrinate people. So, we can indoctrinate Shudatsu(狩獺) or not — that is the point, I think.”

But, Eiko(瑛庚) eyed Jokyu(如翕).

“Do you think Shudatsu(狩獺) has possibility of the reform?”

Jokyu(如翕) tilted his head — It surprised Eiko(瑛庚) a little.

“I met him, but I never feel he reforms himself. But, there is always Dai-shiko(大司寇)’s saying that pricks my conscience. He said ‘You declare they are other things than human, and then you order them to repent. Who follows it?’ — that is.”

Eiko(瑛庚) was shocked by him.

“I don’t know why Shudatsu(狩獺) killed Shunryo(駿良). I cannot neglect Dai-shiko(大司寇)’s saying that Shudatsu(狩獺) must have his reason. If we find the reason, we might be able to indoctrinate him.”

Eiko(瑛庚) was thinking — and nodded yes.

“I’ll see Shudatsu(狩獺).”

Two days later, Eiko(瑛庚) and the two went down from the palace, headed for the military camp in the west Shiso(芝草).

Usually, when they interrogate a prisoner, they summon him/her to Shiho-fu(司法府) — the department court pertains to the palace. By some rare accident, if Shudatsu(狩獺) can flee, it is a serious matter, and if the people get this information, they might attack him on his way. So, Eiko(瑛庚) and the two decided to head for the prison after consultation with the officials in charge.

The criminal who is punished by imprisonment with work is sent to a jail, but the place of the jail is not fixed because imprisonment with work makes a convict work for public works construction and so. Therefore, they are moved as required. On the other hand, prisoners awaiting trial and imprisonment are locked up together in a prison of the military camp.

Eiko(瑛庚) and the two went through the military camp to the inner area and got past the prison which was severely watched by soldiers and arrived at the interrogation room. The building was not so large, had very few opening sections and small standee windows. The room was so dim inevitably and separated to two parts by thick iron bars. Eiko(瑛庚) and the two sat on the bench upon a dais in one of two parts. After a while, a prison officer(掌囚) and soldiers brought a man to the other side of the iron bars.

— This is Shudatsu(狩獺).

Eiko(瑛庚) had strange feelings. Shudatsu(狩獺) was a man who had no outstanding characteristic. Before this interrogation, he knew Shudatsu(狩獺) was a thin and medium height man, but, this is more than he could have thought of. He didn't look like a danger man. His eyes had no strength. Eiko(瑛庚) did not feel his power, and saw a look of depressed, tired and sickness cross his face. But

he did not look like pathological figure. He did not look like a monster at least. He looked a very ordinary man.

“This is Kashu(何趣), sir.”

The prison officer(掌囚) said, and let Shudatsu(狩獺) sit on a chair which was locked on the floor, and joined handcuffs' chain to the iron ring attached the floor. The prison officer(掌囚) bowed himself out of the room. The soldiers stayed for the guard, they stood silent at the Shudatsu(狩獺)'s side of the two parts, and they said nothing and did not changed their facial expression since then. Even if they heard the interrogation details, they must not listen to them. Not to hear them is their duty.

Shudatsu(狩獺) lowered his eyes and was put in chain quietly. His sitting figure looked very wearily, but he didn't show to pretend to be too strong and had no rebellious mood.

After looking at him for a while, Eiko(瑛庚) opened the bill of complaint.

“You are charged in 16 cases. Do you have something to file against them?”

Eiko(瑛庚) asking, but Shudatsu(狩獺) answered nothing. He was looking at a complete different direction in silence.

“Looking at your own situation, whatever kinds, don't you have something to say?”

Eiko(瑛庚) asking again, and Shudatsu(狩獺) answered nothing again. Eiko(瑛庚) was confused by his attitude, for the time being, questioned his each motive about 16 cases, and asked the background of the crimes once again. But Shudatsu(狩獺) was almost in silence, just nodded if necessary, raised the voice such as 'Yes' or 'Oh' in his mouth, he seemed not to make any explanation in

details.

At last, Eiko(瑛庚) gave up the interrogation, and Sotsuyu(率由) took his place. Beforehand, Sotsuyu(率由) said he want to know Shudatsu(狩瀨)'s inner feelings. Sotsuyu(率由) questioned Shudatsu(狩瀨) about his parents, his hometown, his growing up, and what he was thinking or having thought, but Shudatsu(狩瀨) seemed to have no mind to answer. He looked away and almost answered nothing.

Shudatsu(狩瀨) refused Eiko(瑛庚) and the two completely. Though he sat there reluctantly because he was summoned, he did not want to talk and had no mind to beg his own life nor anything. He averted his eyes from them and had the nerve to keep silence.

Not being able to put up with his attitude, Jokyu(如翕) put a word in them after a while.

“You don’t change your attitude?”

Jokyu(如翕) saying impatiently, his attitude was probably the same when their earlier meeting. Shudatsu(狩瀨) glanced Jokyu(如翕). He curled his lip and derided slightly — as if despising.

“You don’t look you repent the crimes you committed.”

Sotsuyu(率由) said so eventually.

“Even children and baby are included in the victims you murdered selfishly. You do not repent about it, either?”

Shudatsu(狩瀨) did not even look at Sotsuyu(率由), muttering “don’t care”

between his teeth.

“You do not repent for have done cruel things?”

“.....care nothing,”

“You do not seem to write only a letter of apology for the bereaved, which is not going to pay for your crimes?”

For Sotsuyu(率由)’s sever question, Shudatsu(狩瀨) finally gazed back at Sotsuyu(率由) by cold eyes.

“Pay for? How?”

“Well—”

“If I apologize for them, the victims cannot rise from the dead. The families can forgive me only by the victims rising from the dead. Therefore, the thinking to pay for is nothing.”

Eiko(瑛庚) stopped Sotsuyu(率由) who was going to say something further.

“— You understand you did the irrevocable things, do you? You understand the victims’ family suffering by them.”

“.....Yeah.”

“When did you be aware of it? Did you know about it before committing the first crime or first realize it after being arrested?”

“That’s before, maybe.”

“Why did it if you had understood?”

Shudatsu(狩獺) laughed with the wry cheek.

“A scum, like me, still carries on living. I have a tattoo on my face and I have no job and no house. I have no choice for eating and sleeping.”

“..... Do you think yourself a scum?”

For Eiko(瑛庚)’s asking, Shudatsu(狩獺) ridiculed him.

“Not me, but you think so? This, means like me, is a scum and a monster has no mercy.”

He said so derisively.

“I am an eyesore to you. Your beautiful world doesn’t need me. I am a piece of glue for you. I am worthless for you, so you want me dead quickly?”

After that, Shudatsu(狩獺) looked forlornly towards light to come in through a standee window.

“– I hope you kill me if you want it. I don’t want to imprisonment or something. I want to be killed at once and I’ll feel relieved.”

At the moment, Eiko(瑛庚) had a hatred for him. This man is so cunning. He knew his own crimes very well, in spite of that, he made Eiko(瑛庚) and others assailants and himself become one of victims.

“.....You remembered Shunryo(駿良)? The boy you murdered in Shiso(芝草) last Summer. You strangled him and took 12 sen(錢).”

Shudatsu(狩獺) nodded in silence.

“.....Why did you kill him?”

“No special reason.”

“There must be something. Why did you need to murder the child?”

When he asked strongly, Shudatsu(狩獺) finally released his breath and said.

“I thought it’s troublesome when he made noise.”

“It was a eight-year-old boy. It’s enough just to threaten him? Or to obtain money by force?”

“If the kid cried by threatened, his neighbors would have come to help him. If I took his money by force and he ran away, all hell would have broken loose.”

“So you killed and took? Only 12 sen(錢)?”

Shudatsu(狩獺) nodded.

“Why? You had enough money at that moment. Why did you need the Shunryo(駿良)’s money, 12 sen(錢)?”

“I did not particularly want it.”

“Again. Why?”

“Just a feeling.”

“Just only that? I cannot believe what you say. Do you have something to say why you robbed and murdered the boy?”

Shudatsu(狩獺) saw Eiko(瑛庚) in disgust.

“What are you doing after listening to me? All of you don’t think I get converted. There is something useful? You ask such a thing for a man killed quickly?”

“I need to know.”

Enga(淵雅) said that there should be any reason for Shudatsu(狩獺) to murder the boy. He said if they knew the reason they could help people like Shudatsu(狩獺). And the father of Shunryo(駿良) cried out, “Why should my son been killed?”. Eiko(瑛庚) had the responsibility to get at least either of these two answers.

Shudatsu(狩獺) muttered listlessly.

“..... But to mention one, I think I wanted to drink.”

“If so, you should’ve bought it by your money.”

“I didn’t want to drink that far.”

Eiko(瑛庚) got lost for words because he could not understand Shudatsu(狩獺),

and Shudatsu(狩獺) said.

“So, I heard the kid have 12 sen(銭) when happening to pass. He talked to his mother. Before that, I walked along the small liquor shop, and saw a glass 12 sen(銭). For a moment I wanted to drink a little, but I thought it was not worth paying 12 sen(銭). And passing their side, I knew the kid had just 12 sen(銭).”

“And?”

“I guessed ‘just’. Just 12 sen(銭).”

Eiko(瑛庚) was shocked, and both Jokyu(如翕) and Sotsuyu(率由) opened their eyes wide in amazement.

“..... That’s all? I do not think so.”

Sotsuyu(率由) just panicked and said, but Shudatsu(狩獺) answered unenthusiastically.

“That’s all. Well, the kid was in wrong place, wrong time.”

He said with nonchalance as if he had nothing to do with it.

Eiko(瑛庚) had a deep feeling of resignation that this man never regretted what he had done. Shudatsu(狩獺) never had a conscious sense of guilt, for which he never reflected on himself. He viewed himself to be ‘a scum’ and stayed with his own view forever. Not only no words can persuade the man, but also nothing can injure him.

Eiko(瑛庚) was profoundly depressed. The reason why Eiko(瑛庚) and the three hesitated very much is they have the biological reflex rebelling against murder.

— But, this man does not have such feelings.

Eiko(瑛庚) and the three became separated from Shudatsu(狩獺) by a strong bulkhead like the iron bars in front of them. They were difficult to overcome it and Shudatsu(狩獺) wasn't simply going to do so. Eiko(瑛庚) and the three hated Shudatsu(狩獺) who was in the other side of the iron bars, and Shudatsu(狩獺), also, looked down upon and hated them in the other side of the iron bars, too.

— Some people who never repent.

Eiko(瑛庚) felt shame and confirmed his thought once again. At the same time, he thought what he would expect the man. His crimes and his past acts, which showed Shudatsu(狩獺) did not intend to be indoctrinated. Shudatsu(狩獺) had a rage and a hatred. The same as Keishi(恵施), to revolt the indoctrination is probably Shudatsu(狩獺)'s revenge for something.

By a huge amount of interrogation records, it was clear. Why did Eiko(瑛庚) and the three want to see Shudatsu(狩獺) and why did they try to confirm whether Shudatsu(狩獺) can be indoctrinated or not? As if their last hope.

When Eiko(瑛庚) thought about it, Sotsuyu(率由) said in a low voice.

“..... So, the cases are not Sanshi(三刺). Neither San'yu(三宥) nor Sansha(三赦).”

Normally, the judiciary never said their decision in front of the person in question. — But.

“I, Shishi(司刺), cannot find the reason by which I should forgive this man.”

His tone as if he spit out a bitter thing. Sotsuyu(率由) might have wanted to

injure Shudatsu(狩獺) by telling this to him in the front.

Jokyu(如翫) nodded. His face showed the same pain as Sotsuyu(率由)'s.

“I, Tenkei(典刑), judge this man deserves Shushi(殊死), sir.”

“I uphold his decision, sir.”

Tenkei(典刑) and Shishi(司刺) had a consensus of opinion. — Eiko(瑛庚) must decide.

Shudatsu(狩獺) glared at them with his insulting eyes. He showed no signs of being daunted for his own fate now decided. His ridiculing smile said, “You guys will kill me, anyway.” After all, you say you will never forgive me. The monster you cannot understand and cannot empathize with is just an eyesore, so you hope I will die. — Is that your honest feeling?

Eiko(瑛庚) gave a deep sigh.

“Shudatsu(狩獺)'s guilt is clear and other people will have difficulty understanding his acts. But, unacceptable his acts, and kill him. — It is not good that the death penalty is used such too aggressive way. I know your uneasy feelings that are against the bereaved's feelings for the revenge, the people's indignation and an existence of the criminal beyond understanding, though, we should never apply criminal punishment in such lower level thoughts.....”

Sotsuyu(率由) shrunk slightly and lowered his eyes.

“Shujō(主上) decided to avoid Taiheki(大辟), because the country's ideals are Keiso(刑措). If we are swayed by our personal feelings and use the death penalty lightly, it serves as a precedent. It means a virtual capital punishment revival,

which might lead to the capital punishment overuse in view of the situation in our country. I know to stop it is also our responsibility, but I have no confidence about stopping it because to make the precedent by our personal feelings and to precipitate an overuse by the country situation.”

However, Eiko(瑛庚) lowered his voice.

“The reason we fear the death penalty in that way is from cowardice to hate murder. The death penalty for a murder — this is neither taught nor learnt but reflex, and it is also reflex that people hate a murder.”

Therefore, Eiko(瑛庚) and the three had wanted to see Shudatsu(狩獺). If they can find the possibility of his regeneration, they need not execute him.

“Both of them are more instinct than reason. Personal feelings are nothing more than personal feelings. But these basic reflections are two sides of the same coin, which exist in the basis of the law. In Laws of God(天綱) ‘You shall not murder.’ and ‘You shall not oppress your people.’ and in the penal code the death penalty exists. That can maybe explain this.”

Jokyu(如翕) nodded with a puzzled look.

“The penal code itself contradicts. One says not to kill and the other says to kill. Tenkei(典刑) counts the number of crimes and Shishi(司刺) exempts it. Normally, the penal code is fluid. The providence itself that the gods established is contradictory. We have no choice that we seek the proper place in each case while shaking among both.”

“..... The providence.”

Sotsuyu(率由) murmured. Eiko(瑛庚) nodded.

“To revive the death penalty or to continue avoiding, both have a point, so we concluded not to be able to decide. And we considered the reflex as executing and the reflex as fear have the same weight. The only thing that remains the possibility of Shudatsu(狩獺)’s reform—”

—Well, but.

When Eiko(瑛庚) hesitated to say, Shudatsu(狩獺) suddenly broke into him.

“I never reform myself.”

Eiko(瑛庚) perked up and saw Shudatsu(狩獺)’s face contorted. The prisoner had a dark smile which made fun of them.

“Never!”

.....I see. Eiko(瑛庚) nodded.

“It is really regrettable.....”

Eiko(瑛庚) said and looked at Tenkei(典刑) and Shikei(司刺).

“—I judge we can’t be helped to avoid the death penalty.”

As soon as he said, Shudatsu(狩獺) doubled up with laughter. He laughed as if a winner. At the same time, Eiko(瑛庚) was overwhelmed by a strong sense of defeat. This was totally alien to them. If they denied all of this existence and eliminated it from the world, they can reject unpalatable realness. They tried to amend their world by discarding Shudatsu(狩獺).

Eiko(瑛庚) and the two dropped their head as if they were losers. All of them, losers and winner, covered with red like blood. Before they were aware, they got the blinding afternoon sun in the room. The sun slanted through the standee window made the black shadow of the thick iron bars which cut all of the room into little pieces.

–As a sign of something.

Eiko(瑛庚) and the two denied the existence of Shudatsu(狩獺). Shudatsu(狩獺) would be eliminated, once the world would be amended as if it has no alien. – But, this is just beginning. The country is going to declining. Like Yoma(妖魔) appearing in the declining country, a lot of world cracks appearing here and there. To paper over the fact that the cracks exist, people will cut themselves from valuable things.

All will collapse.....the country and the people.

Eiko(瑛庚) rose from his seat with dropping his head. So did Jokyu(如翕) and Sotsuyu(率由).

They left the seat while dragging heavy feet and lowered their eyes as if they turned their eyes away, and the prisoner, roared with laughter, stayed at the other side of the iron bars.